



City of Westminster

Committee Agenda

Title: **Cabinet CIL Committee**

Meeting Date: **Wednesday 29th July, 2020**

Time: **4.30 pm**

Venue: **This will be a virtual meeting**

Members: **Councillors:**

Matthew Green
Melvyn Caplan
Andrew Smith

This will be a virtual meeting and members of the public can view the live broadcast by accessing the links on the council's website.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.

**Email: kscharlemagne@westminster.gov.uk Tel: 07817054613
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTERESTS

To receive and record declarations of interest.

3. MINUTES

To approve the minutes of the previous meeting on 21 January 2020.

(Pages 3 - 6)

**4. WESTMINSTER COMMUNITY INFRASTRUCTURE LEVY (CIL)
- PROJECT ALLOCATION (Q2)**

A report from the Director of Policy and Projects

(Pages 7 - 24)

**5. ANY OTHER BUSINESS WHICH THE CHAIRMAN
CONSIDERS URGENT**

**Stuart Love
Chief Executive
21 July 2020**



CITY OF WESTMINSTER

MINUTES

Cabinet CIL Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Cabinet CIL Committee** held on **21 January 2020**
Room 18.12, 18rd Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Richard Beddoe (Chairman), Tim Barnes and Tim Mitchell.

Also Present: Julia Corkey, Executive Director of Policy, Performance and Communications, Ezra Wallace, Director of Policy and Projects, Michael Clarkson, Principal Policy Officer, and Kisi Smith-Charlemagne, Senior Committee & Governance Officer.

1 MEMBERSHIP

1.1 There were no changes to the membership of the committee.

2 DECLARATIONS OF INTERESTS

2.1 There were no declarations of interests.

3 MINUTES

3.1 **RESOLVED:** That the minutes of the meeting held on 9 October 2019 be approved for signature by the Chairman as a true and correct record of proceedings.

4 WESTMINSTER COMMUNITY INFRASTRUCTURE LEVY- PROJECT ALLOCATIONS (Q4)

4.1 Councillor Mitchell welcomed the Rochester Row/Greycoat Place Junction Improvements project, he advised the committee that the project was closer to a public realm project than a road scheme project. Councillor Barnes pointed out that the timing of the Oxford Street District: Ramillies Street Public Realm project was very important, as the area will be developed imminently and did not want to disturb the area again with this project. Councillor Barnes advised that council officers should work closely with the Oxford Street Development to ensure that the impact to residents is minimalised.

- 4.2 Councillor Mitchell advised the Committee that the Sayers Croft project, provided the council with the opportunity to plant more trees and reach its target. Councillor Mitchell advised that with regard to the Community Water fountains, he was unclear regarding the on-going costs for maintaining the project. Ezra Wallace advised the Committee that a Public Health programme would be covering the maintenance costs of the project. The members of the Cabinet CIL Committee agreed all three education projects, Julia Corkey advised that the education projects were part of the need analysis conducted by the council.
- 4.3 Councillor Barnes advised the Committee that the Harrow Road Community Business School was part of the economic development work of the council, and was the next stage, following on from the pop-up business school. Councillor Barnes advised that the project would involve taking the successful elements of the project and developing them into permanent activities. The members of the Cabinet CIL Committee agreed all fourteen projects submitted for approval.
- 4.4 Councillor Barnes commented on the Neighbourhood proportion of CIL, advising that he has received comments from the Neighbourhood Forums in his Ward. Councillor Barnes noted that the agreed timetable for applications gave limited time for Neighbourhood Forums to prepare, and which often meant that they were only able to hold one meeting between the time when the announcement was made and when the applications were due. He advised that the forums did contact officers and request an extension; however, this was declined with no explanation. Councillor Barnes was also concerned that the forums were not consulted with regards to the timetable and felt that the timetable adopted is suited to the council.
- 4.5 In response to Councillor Barnes's comments, Julie Corkey advised the Committee that the council will be reviewing its processes and currently has Planning Advisory Service (PAS) looking into improvements. Ms Corkey noted that the Council will be looking at reviewing the complete Neighbourhood element of CIL, as certain aspects of the process are not effective enough, particularly where there are large pots of money to be spent. Ms Corkey advised the Committee that the emerging findings revealed that the Council's systems are in line with legislative and technical requirements, however she felt that there should be more awareness of the Neighbourhood Forums' needs and they should have a system that also works well for them. Ms Corkey advised the Committee that she and Mr Wallace would be inviting the Neighbourhood forms in to discuss improvements.

4.6 RESOLVED:

Westminster Community Infrastructure Levy – Project Allocations (Q4)

The Committee approved the expenditure of £7.856m from Westminster's City CIL strategic portion including the allocation of funding for specific projects.

- (i) Burlington Gardens Public Realm
- (ii) Westbourne Terrace Bridge Road
- (iii) Westminster Schools Travel Plan Programme 2019-20
- (iv) Rochester Road/ Greycoat Place Junction Improvements
- (v) Oxford Street District: Ramillies Street Public Realm
- (vi) Sayers Croft: Loxwood Hall Refurbishment
- (vii) Community Water Fountains
- (viii) Paddington Recreation Ground Sports Facilities
- (ix) King Solomon Academy Accessibility Improvements
- (x) St Luke's CE School Infrastructure Improvements
- (xi) Queen's Park Primary School SEN Learning Space
- (xii) Harrow Road Community Business School
- (xiii) Living Pillar Trial
- (xiv) CCTV Libraries and Leisure

The Committee noted the neighbourhood portion of CIL received to date.

5 ANY OTHER BUSINESS

5.1 There was no other business discussed.

The meeting ended at 6.05 pm

CHAIRMAN: _____

DATE _____

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Cabinet Committee Report (Community Infrastructure Levy)

Decision Maker:	Cabinet CIL Committee
Date:	29 th July 2020
Classification	For General Release
Title:	Westminster CIL and S106 – Project Allocations
Wards Affected:	All
Financial Summary:	<p>This report seeks to allocate funding of £11.251m of the ‘city portion’ of CIL to infrastructure projects to support growth in Westminster following receipt of monies from development.</p> <p>Furthermore, allocation of £0.180m of funding is sought from the ‘neighbourhood portion’ of CIL to local projects to support growth in Westminster.</p> <p>CIL governance and spending procedures continue to be developed and implemented using existing resources.</p> <p>This report also seeks approval of £1.165m for three projects to be funded from pooled Section 106 contributions.</p>
Report of:	Director of Policy and Projects

1.0. Executive Summary

- 1.1. Westminster's Community Infrastructure Levy (CIL) is a charge applied to development to help fund strategic and neighbourhood infrastructure that is required to support the development of Westminster. Westminster's CIL was formally introduced on 1st May 2016 and since then a total of £86.097m has been received as of 31st May 2020. We have collected a total of £70.345m for the Strategic CIL Portion, and a total of £11.425m in for the Neighbourhood CIL Portion.
- 1.2. CIL has encouraged proposals to be put forward to deliver projects that, as well as dealing with demands placed on infrastructure to support new development, can also deliver wider benefits to the local community. The committee has previously agreed funding allocations of £42.049m for infrastructure projects: £41.046m from the council's 'strategic' CIL portion, and £1.003m from the CIL neighbourhood portion.
- 1.3. The purpose of this report is for the Cabinet CIL Committee to consider and approve the next round of funding allocations from CIL and pooled s106 expenditure. This report also contains 'in principle' allocations from the council's strategic CIL portion, following successful implementation of the governance arrangements for this aspect of CIL approved by the committee in December 2018.

2.0. Recommendations

- 2.1. The Cabinet CIL Committee is asked to:
 - (i) Approve the expenditure of £11.251m from Westminster's Strategic CIL Portion to the following projects set out in Annex B:
 - Phase 1 of the Ebury Regeneration Four Linked Public Squares
 - Ebury Public Realm: Relocation of High Voltage Cable
 - Ebury Street and Lower Belgrave Street Public Realm
 - Hanover Square Gardens Landscaping Scheme
 - (ii) Allocates £12.659m in principle funding to Phase 2 of the Ebury Regeneration: Four Linked Public Squares, subject to the availability of future funds (see Annex B).
 - (iii) Approve the expenditure of £0.180m of Westminster's Neighbourhood CIL portion to the following projects:
 - Ebury Street and Lower Belgrave Street Public Realm
 - Connaught Village Green
 - (iv) Approve the expenditure of £1.165m from pooled Section 106 contributions (see Annex C).

3.0. Reasons for Decision

- 3.1. In order to ensure robust and effective expenditure and reporting in line with the Community Infrastructure Levy Regulations 2010 (as amended) and in accordance with the council's strategic priorities, CIL spending policy statement and its framework for resource allocation and management.

4.0. Background

- 4.1. The Community Infrastructure Levy (CIL) is a charge that local authorities can impose on new development to help raise funds to deliver infrastructure that is required to support the development and growth of their area. Westminster's CIL came in to force on the 1st May 2016 and applies to liable developments that were granted planning permission on or after this date. CIL is payable when works to implement the development commence. As of the 31st May 2020 the council had received a total of £86.097m of Westminster CIL.
- 4.2. On the 20th February 2017 Cabinet approved the governance arrangements for administering the Westminster Community Infrastructure Levy (CIL) and some of the remaining 'pooled' resources secured through section 106 (s106) agreements, including the establishment of this committee.
- 4.3. The Cabinet CIL Committee held its inaugural meeting on the 2nd November 2017. The committee approved the CIL Policy Spending Statement and considered projects that were put forward for funding from the strategic CIL 'City Portion' and s106 resources.
- 4.4. To date the committee has agreed to allocate £41.046m of CIL funding to projects, as detailed in the council's decision statements of 3rd November 2017, 28th March 2018, 26th July 2018, 31st August 2018, 12th December 2018, 3rd July 2019, 19th October 2019, 21st January 2020, and 15th April 2020.
- 4.5. It will be recalled that the CIL Regulations require apportionment of CIL receipts between:
- the City CIL Strategic Portion (70-80%) – spent by the Council according to its strategic infrastructure priorities;
 - a Neighbourhood Portion of receipts from development in each neighbourhood (15-25%) – spent by the Council in agreement with the neighbourhood communities concerned (other than in Queen's Park, where the portion is paid to, and spent by, the Community Council);
 - a CIL Administrative Portion (5%) – spent by the Council on the administrative costs of CIL collection and administration.
- 4.6. The purpose of this report is therefore for the committee to consider and approve further allocations of funding for projects from the City CIL Strategic Portion.

4.7. This report does not deal with allocation of the Neighbourhood Portion. Section 6 sets out the governance arrangements to administer the Neighbourhood Portion.

5.0. Proposals for funding from Westminster CIL – City Portion

Overview of Westminster CIL receipts

5.1. The following summary provides a breakdown of Westminster CIL receipts for the City CIL strategic portion, the neighbourhood portion and the administration portion for each financial year from 1st May 2016:

Period	City CIL Strategic Portion	Neighbourhood Portion	Administration
01/05/2016 – 31/03/2017	£2.060m	£0.376m	£0.128m
01/04/2017 – 31/03/2018	£11.311m	£1.806m	£0.690m
01/04/2018 – 31/03/2019	£21.848m	£3.040m	£1.310m
01/04/2019 – 31/03/2020	£31.187m	£5.498m	£1.955m
01/04/2020 – 29/06/2020	£3.938m	£0.705m	£0.244m
Total	£70.344m	£11.425m	£4.328m

Westminster Strategic CIL allocations

5.2. The committee has agreed to allocate funding of £41.046m to projects to date from the City CIL Strategic Portion. These allocations have been apportioned to the indicative “funding pots” agreed by Cabinet by infrastructure types shown in the table below.

Infrastructure Type	Indicative percentage allocation of Westminster’s CIL - the ‘City CIL Strategic Portion’	Total Allocated
Public realm / Transport	50%	£23.186m
Health / Community Services	10%	£2.488m
Education	5%	£1.766m
Parks / Sport and Leisure	5%	£2.751m
Utilities / Waste	10%	£4.377m
Other Priorities / Contingency	20%	£6.477m
Total		£41.046m

- 5.3. It is worth noting that Cabinet acknowledged that the above “pot” allocations are indicative, and that the council reserves its right to depart from them if that proves necessary (because there is a major project requiring funding in a particular year, for example). These are broad allocations and in practice there are likely to be overlaps between them.
- 5.4. Following these allocations, the remaining balance of CIL monies received to 31st May 2020 meant that funding of £29.299m was available for allocation to projects in this quarter, as outlined in the table below and in Annex A. The remaining balance from the total receipts outlined above will be allocated in future funding rounds, including any further CIL monies received.

Infrastructure Type	Indicative percentage allocation of Westminster’s CIL - the ‘City CIL Strategic Portion’	Available Funding
Public realm / Transport	50%	£11.986m
Health / Community Services	10%	£4.547m
Education	5%	£1.751m
Parks / Sport and Leisure	5%	£0.767m
Utilities / Waste	10%	£2.657m
Other Priorities / Contingency	20%	£7.591m
Total		£29.299m

Future CIL Income

- 5.5. Between 1st May 2016 and 29th June 2020, liability notices for a potential value of £128.810m have been issued. These notices are raised following the grant of planning permission and set out what the liable charge would be should work on the development start. The realisation of the remainder of these monies is therefore totally dependent on a developer implementing their planning permission. In Westminster it is common to have multiple planning permissions on a site or for a permission not to be implemented. This figure, while informative, should not therefore be treated as guaranteed future income.
- 5.6. Between 1st May 2016 and 29th June 2019, demand notices totalling £105.519m have been issued, with a total of £86.317m collected. Where a demand notice has been issued, this means that development has commenced and that CIL is now due for payment. The council’s CIL instalment policy allows developers fixed timescales at 90, 180 and 360 days (post-commencement) to pay the amount due. The number of instalments available is dependent on the total amount of CIL due, with higher CIL

charges allowing for more time to pay. This means that a further £19.202m is due to be collected over the next year on developments that have already commenced. Further demand notices may also be issued if other developments commence.

Overview of proposals for Strategic CIL Funding

- 5.7. The project proposals put forward for this round of funding cover a range of infrastructure improvements relating to: public realm and transport infrastructure; community, sport/leisure and educational facilities; green infrastructure, and crime and anti-social behaviour infrastructure that align with the council's development plan and City for All priorities.PI
- 5.8. *Ebury Regeneration: Four Linked Public Squares (Revised bid)*: The Ebury Project Team is seeking infrastructure funding for the introduction of four new linked high-quality public spaces with co located community facilities in the renewed Ebury Bridge neighbourhood. The project meets Westminster City Plan, Westminster's Unitary Plan and City for All objectives. The starting date of the project will be July 2020. The new public squares will be at the centre of the new Ebury Bridge neighbourhood providing strong connectivity with surrounding neighbourhoods. The project will reopen what is currently an enclosed environment the public realm aims to capture the heritage of the previous canal and pedestrian route. It is recommended that the CIL Committee approve this allocation sought for Phase 1 of the External Environment (£4,384,000) and for the Community Space Project (£1,557,000) and allocates in principle funding for Phase 2 subject to the availability of future funds. The Ebury Regeneration programme seek a significant proportion of funds from the Public Realm and Transport pot of the Strategic CIL Portion. Allocations will deliver infrastructure that will create substantial and long-term value for the regeneration scheme. However, allocation will result in a medium-term opportunity cost of limited funds in the pot, and consequently limit the range and diversity of Public Realm and Transport infrastructure projects delivered. Further details are provided in Annex B.
- 5.9. *Improvements to Ebury Bridge estate public realm through relocation of High Voltage Power Cable (HVC)*. The cable relocation project is vital to the delivery of the new public realm for the Ebury Bridge renewal project. Without its relocation the project will be unable to fully achieve the maximum sustainability and public benefits that could otherwise be achieved. Without relocation of the HVC, the realisable benefits of the Ebury Regeneration will be significantly diminished. It will enable the delivery of four new public squares, associated tree planting, existing mature tree retention and associated public realm benefits. This project aligns with the City Plan, Westminster's Unitary Development Plan (2007) and meet Westminster's ambition to achieve City for All. A CIL contribution of £4.050m is sought from the Public Realm/Transport portion

- 5.10. *Ebury Street and Lower Belgrave Street Public Realm*. This project seeks to deliver an improvement to the public realm to reduce street clutter and the local ambition of making a space more enjoyable and in keeping with the local kerbside activity and community environment. The project aligns with the Westminster's ambition to achieve City for All. A CIL contribution of £0.260m is sought from the Public Realm/Transport portion. This bid is to match fund the Neighbourhood CIL bid summarised in paragraph 7.7 of this report.
- 5.11. *Hanover Square Gardens Landscaping Scheme*. This project seeks further allocation of Strategic CIL monies for the landscape enhancement scheme to reinstate the historical orbital path within the gardens, replace the current cross-paths to help prevent erosion of the lawn as a result of the increased numbers of pedestrians. The project aligns with the London Plan (2016), the West End Partnership's Delivery Plan and meet Westminster's ambition to achieve City for All. A CIL contribution of £1m is sought from the Parks and Open Space portion. Due to limited funds in the Parks and Open Spaces CIL portion, it has been recommended that this project is funded with Public Realm and Transport CIL.

6.0. Proposals for funding from pooled Section 106 contributions

Overview of Section 106 Pooled Funds

- 6.1. CIL has largely replaced s106 planning obligations as the primary mechanism for delivering planning infrastructure benefits. Since the introduction of CIL, the council has only been able to collect s106 obligations that can be pooled for site specific purposes that are not directly related to infrastructure. These are affordable housing, employment and skills, and carbon offsetting contributions. Other s106 contributions relating to infrastructure must be specifically required in order to make a development acceptable in planning terms, otherwise they will be captured through CIL. Nevertheless, there are still some historic planning applications that will continue to contribute to historic funding streams where triggers for payment are reached.
- 6.2. It is beneficial to utilise s106 monies where possible, as they are tied to specific planning permissions and are often explicit and/or time limited in terms of their use. For each allocation of funding using s106, officers must therefore ensure that the terms of the individual s106 agreement from which the funds have been received are complied with. In this respect the application of s106 funding is less flexible than CIL.
- 6.3. Two further projects were submitted for this funding round that are eligible for pooled Section 106 (s106) funding rather than CIL.

Section 106 pooled Education and Skills Funds

- 6.4. S106 monies totalling £2.094m are held in relation to funding for social and community projects. It is recommended that both projects are funded using these monies as set out below and at Annex C.

Active Travel and Air Quality Education Programme (Academic years 19-20/20-22). A S106 allocation of £0.465m of the Education Contribution is sought to contribute to the road safety/active travel/air quality education and training delivered in 92 schools (age range 5 to 18 years old) across the City over two academic years. The project consists of cyclist lessons; STARS support; road safety education and road safety literature; air quality lessons and motorcycle safety. The programme aligns with the Active Street Programme, the Schools Air Quality Programme and the Road Safety and Active Travel Programme.

Cities of Learning. A S106 allocation of £0.200m of the Education Contribution is sought to provide online tools to engage young people in new learning, interests and skills to prepare them for entering the workforce and civic life. This project is a two-year pilot programme that seeks to connect all the existing cultural and creative skills and learning delivered across Westminster. This programme aligns with the council's City for All commitment to create 'thriving communities' and has the support of local councillors.

Digital Futures. A S106 allocation of £0.500m of the Education Contribution is sought to tackle the digital divide through an ambitious partnership with local schools, charities and businesses aiming to provide 5,000 laptops and free broadband for communities impacted by COVID 19. The initiative will support better education and life chances for young people by providing access to educational resources and training through the provision of a laptop.

7.0. Westminster's CIL - the neighbourhood portion

Overview of Neighbourhood CIL

- 7.1. Cabinet agreed that the Senior Officer Working Group should oversee the engagement and allocation processes for the neighbourhood portion of CIL and make recommendations to the Cabinet CIL Committee about the allocation of Neighbourhood CIL.
- 7.2. There are 21 neighbourhood areas throughout Westminster, yet not all of the city's land area is designated, with the bulk of Vincent Square and St. James's wards remaining undesignated. A full list of the ring-fenced neighbourhood portion of CIL is included at Annex A and is broken down by neighbourhood area. As set out in legislation this is set at 15% of CIL receipts in a neighbourhood area capped at £100 per council tax paying dwelling, per annum. Where a neighbourhood area has an adopted neighbourhood plan, the percentage allocated to the neighbourhood rises to 25% uncapped. Local

communities in the undesignated areas of the city are still entitled to a say over the neighbourhood portion of CIL in this area.

- 7.3. The total monies assigned to the neighbourhood portion of CIL is £11.425m to 31st May 2020.

Summary of Bids from Westminster's Communities for Allocation of Funding from Westminster's CIL Neighbourhood Portion

- 7.4. The Cabinet CIL Committee agreed the governance arrangements for assessing applications from neighbourhood forums and other community organisations in December 2018. Two bidding rounds will be open per year to allow local communities to apply for neighbourhood CIL. The council launched its first neighbourhood CIL bidding round on 11th June 2019. Applications were accepted until 11th September 2019 and were supported by 'application surgeries' where interested parties met with officers to discuss the process and potential projects. Following the close of the application period, all applications were assessed against the agreed criteria in legislation and the council's CIL Spending Policy Statement.
- 7.5. A total of 3 applications for neighbourhood CIL were received from various neighbourhood forums and community organisations.
- 7.6. A written summary of each of the project bids for funding from the CIL Neighbourhood Portion is also provided below along with an Officer recommendation. This is supplement to the information provided at Annex D to help the Committee's consideration of the proposals.
- 7.7. Ebury Street and Lower Belgrave Street Public Realm. A Neighbourhood CIL allocation of £0.045m is sought from the Belgravia Neighbourhood Forum. The project will undertake a design stage review of the existing Ebury Street & Lower Belgrave Street junction. This is currently a very cluttered and confusing road space which is dominated by vehicular infrastructure. The aim is to identify and cost the public realm improvements required, which will then be undertaken using the strategic CIL allocation proposed above. There is alignment with the Greener City Action Plan, the draft Infrastructure Delivery Plan (2019) and the council's wider air quality and climate agenda, in view of rethinking vehicular priority. There is potential for positive effects for the local area, in terms of amenity and environmental impact and is supported by ward councillors. A Strategic CIL bid has also been submitted to match fund the delivery phase of this project.
- 7.8. Connaught Village Green. A Neighbourhood CIL allocation of £0.135m is sought from the Hyde Park and Paddington Neighbourhood Forum. The project is to cover the next stage of design of the proposal that seeks to radically improve the space by the creation of a truly green Connaught Village with a biodiverse planting and SUDs; providing a place for residents to meet, sit and have access to free drinking water; improving road safety by enhancing crossings; encouraging pedestrian/cycle travel to reduce emissions and improve air quality; and improve visibility and accessibility from Hyde

Park. This proposal would support the council's City for All commitment to deliver a Greener and Cleaner city and aligns with the Westminster's Walking Strategy 2017-2027. The proposal is supported locally, including by ward councillors.

- 7.9. Belgravia streets tree planting. This proposal is for the tree planting to replenish the green corridors in Lyall Street to Buckingham Palace Road; Belgrave Place to Buckingham Palace Road; Upper Belgrave Street to Buckingham Place Road and Buckingham Palace Road itself. A total of £0.050m is sought by the Belgravia Residents Association (BRA). Although the aims of this proposal align with objectives of Westminster's City for all – this bid has been recommended for deferral pending more detailed conversations.

8.0. Financial Implications

- 8.1. CIL is intended to support the strategic infrastructure that is required to support the development of the local area and there is greater flexibility in how it might be applied than there is with s106 funding. Decisions about CIL are transparent and linked with the council's strategic priorities including those on the Council's Capital Programme.
- 8.2. The council is in receipt of £86.097m from CIL since it was launched in May 2016 of which, £70.345m is allocated to City CIL Strategic Portion, £11.425m to Neighbourhood Portion and £4.328m to offset the cost of CIL administration.
- 8.3. From the City CIL Strategic Portion, £11.251m is requested for approval in this report. If approved, then the total allocation of Strategic CIL monies to projects will be £52.297m, leaving a balance of £18.048m.
- 8.4. A further £12.659m has been recommended for in principle allocation to the phase 2 projects of the Ebury Four Linked Squares programme (please see Annex B), subject to the availability of future CIL monies at the time of project delivery.
- 8.5. To date, the total allocation of the neighbourhood portion of CIL to projects is £1.003m, leaving a balance of £10.422m.
- 8.6. From the Westminster CIL Neighbourhood Portion, £0.180m is requested for approval in this report. If approved, the total allocation of the neighbourhood portion of CIL to projects will be £0.180m, leaving a balance of £10.241m.
- 8.7. Pooled section 106 (s106) contributions for city-wide purposes have largely been replaced by CIL. Nevertheless, there are residual amounts collected under historic s106 agreements that remain available to spend provided they align with the provisions of the individual legal agreements concerned.

- 8.8. The £1.165m requested for approval in this report is from contributions towards Education and Skills. If approved, the remaining contributions will be £0.929m

9.0. Legal Implications

- 9.1. The legislation governing the development, adoption and administration of a Community Infrastructure Levy (CIL) is contained within the Planning Act (2008) and the Community Infrastructure Levy Regulations 2010 (as amended). The associated government National Planning Policy Guidance is also important in guiding this process. There are other areas of law which should be considered when assessing certain developments for CIL liability and determining the appropriate sum due. These include matters relating to social housing, procurement, charitable institutions and state aid.

10.0. Equalities

- 10.1. Under the Equalities Act 2010 the council has a “public sector equality duty”. This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act; to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it; and to foster good relations between persons who share a relevant protected characteristic and those who do not share it.
- 10.2. The council is also required to have due regard to the need to take steps to take account of disabled persons’ disabilities even where that involves more favourable treatment; to promote more positive attitudes toward disabled persons; and to encourage participation by disabled persons in public life.
- 10.3. The 2010 Act states that “having due regard” to the need to promote equality of opportunity involves in particular having regard to: the need to remove or minimise disadvantages suffered by persons sharing a protected characteristic; take steps to meet the needs of persons sharing a protected characteristic that are connected with it; take steps to meet the needs of persons who share a protected characteristic that are different from those who do not; and encourage persons with a protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.
- 10.4. The courts have held that “due regard” in this context requires an analysis of the issue under consideration with the specific requirements set out above in mind. It does not require that considerations raised in the analysis should be decisive; it is for the decision-maker to decide what weight should be given to the equality’s implications of the decision.

- 10.5. All decisions on spending CIL will themselves be subject to assessment to ensure the 2010 Act duties are complied with. The council will review its CIL charging schedule on a biennial basis.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

Amit Mistry, Principal Policy Officer

E-mail: amistry1@westminster.gov.uk

BACKGROUND PAPERS

Report to Cabinet dated 20th February 2017 on the Governance of the Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Resources

Report to Cabinet CIL Committee dated 2nd November 2017 on the Governance of the Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Resources

Decision Statement of Cabinet CIL Committee dated 3rd November 2017 on the Governance of the Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Resources

Report to Cabinet CIL Committee dated 26th March 2018 on Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Funding – Project Allocations (Q4)

Decision Statement of Cabinet CIL Committee dated 28th March 2018 on Westminster CIL and Pooled Section 106 Funding – Project Allocations

Report to Cabinet CIL Committee dated 25th July 2018 on Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Funding – Project Allocations (Q1)

Decision Statement of Cabinet CIL Committee dated 26th July 2018 on Westminster Community Infrastructure Levy (CIL) and Pooled Section 106 Funding – Project Allocations (Q1)

Cabinet Member Report to Cabinet Member for Place Shaping and Planning dated 28th August 2018 on Westminster Community Infrastructure Levy (CIL) – Ward Member Proposals

Decision Statement of Cabinet Member for Place Shaping and Planning dated 31st August 2018 on Westminster Community Infrastructure Levy (CIL) – Ward Member Proposals

Report to Cabinet CIL Committee dated 5th December 2018 on Westminster Community Infrastructure Levy (CIL) – Project Allocations (Q2)

Decision Statement of Cabinet CIL Committee dated 12th December 2018 on Westminster Community Infrastructure Levy (CIL) – Project Allocations

Report to Cabinet CIL Committee dated 1st July 2019 on Westminster Community Infrastructure Levy (CIL) and pooled Section 106 contributions – Project Allocations

Decision Statement of Cabinet CIL Committee dated 3rd July 2019 on Westminster Community Infrastructure Levy (CIL) and pooled Section 106 contributions – Project Allocations

Report to Cabinet CIL Committee dated 9th October 2019 on Westminster Community Infrastructure Levy (CIL) and pooled Section 106 contributions – Project Allocations

Decision Statement of Cabinet CIL Committee dated 10th October 2019 on Westminster Community Infrastructure Levy (CIL) and pooled Section 106 contributions – Project Allocations

Annex A: CIL Balances to 31th May 2020

Total CIL Collected: £86,097,426.63

Total Strategic CIL: £70,344,643.21

Infrastructure Type	Collected	Allocations	Available	July 2020 Recommendations
Public Realm and Transport (50%)	£35,172,321.60	£23,185,836.60	£11,986,485.00	£5,644,000
Health and Community Services (10%)	£7,034,464.32	£2,487,589.00	£4,546,875.32	£1,557,000
Education (5%)	£3,517,232.16	£1,766,500.00	£1,750,732.16	£0.00
Parks and Open Space (5%)	£3,517,232.16	£2,750,689.48	£766,542.68	£0.00
Utilities and Waste (10%)	£7,034,464.32	£4,377,157.76	£2,657,306.56	£0.00
Other (20%)	£14,068,928.64	£6,477,816.16	£7,591,112.48	£4,050,000
TOTAL	£70,344,643.21	£41,045,589.00	£29,299,054.21	£11,251,000

Total Neighbourhood CIL: £11,424,518.38

Neighbourhood Area	Collected	Allocations	Available
Queens Park	£2,097.74		£2,097.74
Notting Hill East	£12,400.07	£10,000.00	£2,400.07
Bayswater	£189,363.96		£189,363.96
Little Venice and Maida Vale	£1,599,059.40	£105,000.00	£1,494,059.40
Belgravia	£528,636.65	£29,000.00	£499,636.65
Church Street	£321,327.72		£321,327.72
Churchill Gardens Estate	£0.00		£0.00
Ebury Bridge	£0.00		£0.00
Fitzrovia West	£297,068.79	£152,000.00	£145,068.79
Hyde Park and Paddington	£910,534.73	£422,000.00	£488,534.73
Knightsbridge	£67,821.88	£20,000.00	£47,821.88
Maida Hill	£3,810.00		£3,810.00
Marylebone	£1,507,426.86	£120,000.00	£1,387,426.86
Mayfair	£1,295,653.60		£1,295,653.60
Pimlico	£4,357.11		£4,357.11
Soho	£350,823.11		£350,823.11
South East Bayswater	£599,861.30		£599,861.30
St James's	£33,124.37		£33,124.37
St John's Wood	£1,411,777.04		£1,411,777.04
Victoria	£217,564.80		£217,564.80
Westbourne	£182,460.03		£182,460.03
Outside Neighbourhood Areas	£1,889,349.21	£145,000.00	£1,744,349.21
TOTAL	£11,424,518.38	£1,003,000.00	£10,421,518.38

Annex B: Projects put forward for funding from Westminster’s Community Infrastructure Levy (CIL) ‘Strategic Portion’

Ebury Bridge: Linked Public Squares Programme	
CIL Pot	Amount of funding sought to deliver projects
Public realm/ transport CIL	<p>External Environment (Phase 1, July/August 2020) – to be completed by August 2023</p> <p>Phase 1 total = £4,384,000</p> <p>External Environment (Phase 2, Jan27/Jun28)</p> <p>Phase 2 total = £11,312,000 (In Principle Allocation recommended – Subject to Future Funds)</p> <p>Total = £15,696,000</p>
Health and Community Services CIL	<p>Ebury Bridge Community Space (Phase 1, Sep21/Jan24)</p> <p>Construction of community space (378m²) in Building 7 including shell construction and occupier fit out.</p> <p>Phase 1 total = £1,557,000</p> <p>Total = £1,557,000</p>
Parks/Sport and Leisure CIL	<p>Ebury Bridge Fitness/Recreational facility (Phase 2, Jun25/Jun28)</p> <p>Construction of fitness/recreation facility (244m²) in Building 9 including double-height shell construction works and occupier fit out.</p> <p>Phase 2 total = £1,347,000</p> <p>Total = £1,347,000 (In Principle Allocation recommended – Subject to Future Funds)</p>
Total CIL sought for allocation	<p>Total = £18,600,000</p> <p>Total CIL bid = £18,600,000</p>

Project Name and Summary	Infrastructure Type	Allocation Sought
<p>Improvements to Ebury Bridge estate public realm through relocation of High Voltage Power Cable:</p> <p>This project is integral to fully realising the public realm benefits of the Ebury Regeneration. Not funding this project will considerably diminish the final outcomes of the regeneration programme.</p>	<p>Public Realm and Transport CIL</p> <p>(Contingency CIL Recommended)</p>	£4.050m
<p>Ebury Street and Lower Belgrave Street Public Realm. This project seeks to deliver an improvement to the public realm to reduce street clutter and the local ambition of making a space more enjoyable and</p>	<p>Public Realm and Transport CIL</p>	£0.260m

<p>in keeping with the local kerbside activity and community environment. This project is to match fund the Neighbourhood CIL bid recommended for approval.</p>		
<p>Hanover Square Gardens Landscaping Scheme. This project seeks further allocation of Strategic CIL monies for the landscape enhancement scheme to reinstate the historical orbital path within the gardens, replace the current cross-paths to help prevent erosion of the lawn as a result of the increased numbers of pedestrians.</p>	<p>Parks and Open Spaces CIL (Public Realm and Transport CIL Recommended)</p>	<p>£1m</p>
<p>TOTAL Strategic CIL Allocations Recommended</p>		<p>£11.251m</p>

Annex C: Projects put forward for funding from Westminster’s pooled Section 106 (s106) contributions

Project Summary	Section 106 Pot	Allocation Sought
<p>Active Travel and Air Quality Programme. Education Contribution is sought to contribute to the road safety/active travel/air quality education and training delivered in 92 schools (age range 5 to 18 years old) across the City over two academic years. The project consists of cyclist lessons; STARS support; road safety education and road safety literature; air quality lessons and motorcycle safety.</p>	Education and Skills	£0.465m
<p>Cities of Learning. Education Contribution is sought to provide online tools to engage young people in new learning, interests and skills to prepare them for entering the workforce and civic life. This project is a two-year pilot programme that seeks to connect all the existing cultural and creative skills and learning delivered across Westminster.</p>	Education and Skills	£0.200m
<p>Digital Futures. Project will tackle the digital divide through an ambitious partnership with local schools, charities and businesses aiming to provide 5,000 laptops and free broadband for communities impacted by COVID 19. The initiative will support better education and life chances for young people by providing access to educational resources and training through the provision of a laptop.</p>	Education and Skills	£0.500m
<p>TOTAL S106 Allocations Recommended</p>		£1.165m

Annex D: Projects put forward for funding from Westminster’s Community Infrastructure Levy (CIL) ‘Neighbourhood Portion’

Project Summary	Neighbourhood Area	Allocation Sought
<p>Ebury Street and Lower Belgrave Street Public Realm. The project will undertake a design stage review of the existing Ebury Street & Lower Belgrave Street junction. This is currently a very cluttered and confusing road space which is dominated by vehicular infrastructure. The aim is to identify and cost the public realm improvements required, the work would be undertaken using strategic CIL allocation proposed – however this has not been considered for this round.</p>	Belgravia	£0.045m
<p>Connaught Village Green: The project seeks to creation of a green Connaught Village with a biodiverse planting and SUDs; providing a place for residents to meet, sit and have access to free drinking water; improving road safety by enhancing crossings; encouraging pedestrian/cycle travel to reduce emissions and improve air quality; and improve accessibility from Hyde Park.</p>	Hyde Park and Paddington	£0.135m
<p>Belgravia streets tree planting. This proposal is for the tree planting to replenish the green corridors in Lyall Street to Buckingham Palace Road; Belgrave Place to Buckingham Palace Road; Upper Belgrave Street to Buckingham Place Road and Buckingham Palace Road itself. A total of £0.050m is sought by the Belgravia Residents Association (BRA)</p>	Belgravia	£0.050m This bid has been recommended for deferral pending more detailed discussions.
<p>TOTAL NCIL Allocations Recommended</p>		£0.180m