



Minutes of a meeting of the **ENVIRONMENT POLICY & SCRUTINY COMMITTEE** held at 7:00pm on Monday 10 November 2014 at City Hall, Victoria Street, SW1

Members of Committee: Councillors Ian Adams (Chairman), Thomas Crockett, Jonathan Glanz, Louise Hyams, Vincenzo Rampulla, Karen Scarborough, Cameron Thomson and Jason Williams.

Also Present: Councillor Ed Argar, Cabinet Member for City Management, Transport and Infrastructure, Councillor Heather Acton, Cabinet Member for Sustainability and Parking and Councillor Brian Connell.

1. MEMBERSHIP

1.1 There were no apologies for absence. All Members of the Committee were present at the meeting.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

3. MINUTES AND MATTERS ARISING

3.1 **RESOLVED:** That the minutes of the meeting held on Monday 15 September 2014 be signed by the Chairman as a correct record of proceedings.

4. UPDATE FROM CABINET MEMBERS

4.1 The Committee received written updates from the Cabinet Member for the Built Environment, the Cabinet Member for City Management, Transport and Infrastructure and the Cabinet Member for Sustainability and Parking on significant matters within their portfolios.

4.2 The Chairman welcomed Councillor Argar and Councillor Acton to the meeting. The Cabinet Members gave brief introductions. Councillor Argar stated that he had recently signed the Council's Cabinet Member report adopting the Municipal Waste Management Strategy 2016 – 31 following receipt of approval from the Mayor of London. It was now intended to proceed with the procurement process for the waste disposal contract and consult the Committee on the initial stages of the process in the early part of 2015. Councillor Acton highlighted that the parking transformation programme and transfer of activities had been implemented successfully and paid tribute to the hard work of officers. Councillor Acton also advised she

and Councillor Argar would be considering the Westminster Cycling Strategy Cabinet Member report in the near future. She thanked the Sustainability Task Group for their contribution in reviewing the draft Environmental Sustainability Strategy. It was intended that an updated version of the Strategy would be available in December 2014. The Chairman informed those present that the Sustainability Task Group had met earlier in the evening and it had been agreed that members of the Task Group would receive a copy of the Strategy in mid December prior to it being considered by Cabinet.

4.3 The Committee put questions to and received responses from Councillor Argar on the following matters that were relevant to his portfolio:

4.4 Highways Performance Targets – Councillor Crockett referred to the performance table for repairing highways defects during September 2014 included within the Cabinet Member update and asked whether not meeting the targets had been a failure of the service provider. Councillor Argar replied that there were two factors that were primarily responsible for the targets not being met. One was the transition process with the new contract which took place at the start of the new financial year when key work was taking place regarding the annual maintenance programmes. There were a number of points to sort out as part of the procurement which were resolved satisfactorily but slightly delayed the formal award of the contract. Secondly, there was a transition in the transferring of information from the Legacy IT systems to the new service provider. Some data had been lost during this process which was subsequently recovered. Councillor Argar added that the October performance figures were much more encouraging. The priority 1 two hour response was circa 90%, the priority two twenty four hour response was just below 94%, the priority 3 ten day response was 100% and the priority 4 twenty eight day response was 99.6%. Priorities 3 and 4 were ahead of target and he was confident that the figures for priorities 1 and 2 would improve by year end.

4.5 Waste Strategy – Councillor Thomson made the point that as part of the new waste contract there was the potential for a significant increase in disposal costs. In the light of this, as much waste as possible needed to be recycled rather than sent to landfill. He asked what measures were being taken to encourage recycling. Councillor Argar responded that it had been the case that the previous waste disposal contract had locked in disposal costs at a low level over a lengthy period. He believed it would be possible to mitigate against a worst case scenario in terms of costs with an effective procurement process. A higher recycling target of 35% by 2020 had been set and the Council would be pushing increased commercial recycling. The Council would continue to make it as easy as possible for people to recycle including with the provision of black recycling bins and doorstep collections. There was an approximate churn of a third of the population each year which led to a lack of knowledge of the correct practices and the recycling facilities available. There was a continuing campaign supported by the Greater London Authority promoting recycling and there would be an additional promotion in the New Year on the environmental and financial benefits for the City of recycling.

- 4.6 Councillor Rampulla asked which of the action points in the Waste Strategy Councillor Argar considered would have the biggest impact in terms of recycling. Councillor Argar replied that he believed the most important measures were to continue to make recycling as easy as possible, to educate and argue the case. He did not wish to pursue a policy of reducing waste collections in order to try and force a change. This was particularly as this was not reasonable or fair given that many residents in Westminster lived in small flats where it was not practical to store waste for a couple of weeks at a time. Campaigns made a great deal of difference. Knocking on doors and informing people assisted given the lack of knowledge as a result of the churn of residents. Councillor Rampulla asked for further clarification specifically on commercial recycling where he made the point that the target was particularly challenging. The Cabinet Member added that he believed the commercial waste and recycling offer was a very positive one. He was looking at freight consolidation and working with the BIDS and some of the larger estates regarding commercial refuse consolidation which would ease congestion, improve air quality and help to control the look of the street.
- 4.7 Public toilets – Councillor Hyams asked for an update on the Covent Garden public toilets. Councillor Argar advised that he had had a meeting with the private operator of the public toilets to remind them of their obligations. There was also monitoring of the sites, including Covent Garden public toilets, via the Westminster wardens to ensure an accurate picture of where there are currently problems and also have an evidence base should the Council require legal action to enforce the terms of the lease. He had met with Capital & Counties Properties PLC, who own key assets in Covent Garden, to discuss alternative methods within the terms of the contract to enhance public lavatory facilities in the area.
- 4.8 Public Lighting – Councillor Glanz commented that it was positive that the number of long term faults was reducing. He asked whether a series of lights such as the ones that were on the left hand side of Argyll Street when looking from Liberty counted as one fault or several. Councillor Argar stated that it was his understanding that each light constituted a fault. He added that Westminster was focussed on reducing the faults but was also reliant on UK Power Networks in terms of the power supply.
- 4.9 Cleansing Performance – Councillor Scarborough raised the point that there had been a number of complaints in the ward she represents, Marylebone High Street, about the dumping of rubbish. She expressed concerns that Section 34 of the Deregulation Act would lead to more rubbish being left on the street. Councillor Argar stated that complaints overall were marginally up from the previous year with complaints specific to bulky waste being less than 1% up. He had met with an individual in Marylebone who had written on the topic of the dumping of rubbish and had also met Karen Buck MP and Councillor Dimoldenberg to discuss possible solutions. There had been no reduction in resources towards addressing the problem. Possible options included continuing to enforce although this was difficult as people had to be physically caught or identified. There was also communication in terms of

educating people and advising people what the rules are. The Cabinet Member was also exploring whether alongside notices, harder hitting warnings could be made to those who did not comply with the rules. He was also exploring whether letting agents could include guidance on the disposal of rubbish with tenancy details.

- 4.10 Councillor Williams requested further information on the type of complaints received in respect of street cleansing. He was concerned that fly tipping was on the increase in Lupus Street in the ward he represents, Churchill. Councillor Argar stated that the increase in fly tipping overall in comparison with the previous year was relatively small. Cleansing teams had been carrying out an audit on refuse and the Cabinet Member was expecting the data from this audit soon. He would write to Councillor Williams with more specific data regarding the complaints.
- 4.11 The Committee put questions to and received responses from Councillor Acton on the following matters that were relevant to her portfolio:
- 4.12 Westminster Cycling Strategy – The Chairman requested information from the Cabinet Member regarding how cycle hangers were reflected in the Cycling Strategy. This had been specifically examined by the Cycling Task Group. Councillor Acton replied that there are some concerns expressed in relation to positioning hangers on the street. It was being proposed that there are two pilot areas on or near estates. One would be located in the north of the borough and the other in the south and the effectiveness of the hangers would be assessed. Surrounding boroughs were introducing cycle hangers and the Council was starting to receive requests for secure cycle parking.
- 4.13 Oxford Street West – air quality project – Councillor Glanz noted that the Council had been successful in its application to the Mayor’s Air Quality Fund for £100K to support work to consolidate servicing and delivery trips in the Oxford Street West area to improve local air quality. He asked whether the efforts of the Council and those who had already investigated this issue such as The Crown Estate would be co-ordinated to ensure the consolidation of vehicle trips and improve air quality. Councillor Acton stated that the Council would be working with the major landowners and the New West End Company to make sure there was no duplication of effort.
- 4.14 Vehicles - Councillor Scarborough asked whether the Cabinet Member had looked at clamping foreign registered vehicles that transgress. Councillor Acton advised that it had been looked at but currently the Council did not clamp any vehicles which transgress and had no plans to introduce this. The Council would be keeping an eye on the impact of the DVLA’s plans to close loopholes relating to drivers of foreign registered vehicles who avoid paying tax and fines in the UK each year. Councillor Scarborough asked whether vehicle clamping was something that the Council could outsource which would mean that it would not have to employ additional staff. Councillor Acton made the point that it would still require additional organisation. She added that she would arrange for a written response to be provided to Councillor Scarborough.

- 4.15 Parking – Councillor Rampulla commented that he had received complaints from drivers that they had received Penalty Charge Notices despite paying for parking and asked whether this issue had come to the Cabinet Member’s attention. Councillor Acton responded that she was shocked to hear this. The errors should not in theory take place under the new service being provided after 3 November as the Traffic Marshall’s hand held device would be able to show whether the driver had paid for parking or not. If a mistake was made the driver could go online to make a representation. Councillor Rampulla recommended that a driver received a receipt when challenging a PCN. The Cabinet Member made the point that if a representation was made online then an e-mail was sent acknowledging this.
- 4.16 Noise – Councillor Williams asked whether there had been an increase in helicopter noise complaints and did the Council liaise with the Civil Aviation Authority on addressing this issue particularly in relation to night flights. There had been concerns amongst residents of Churchill that there were flights causing noise nuisance near to the Thames and he was keen to know where the flights were coming from. Councillor Acton stated that it was her understanding that the Council did liaise with the CAA. As a Hyde Park ward councillor where events were held and there was the use of helicopters it was not always easy to obtain this data. She would investigate and report back to Councillor Williams.
- 4.17 Code of Construction Practice – Councillor Hyams noted that officers were hoping to extend the current CoCP beyond the impacts from major infrastructure and the largest development sites, to include all major and significant medium and small sized developments. She suggested that developers be encouraged to liaise with each other and co-ordinate the timescales of their developments to minimise nuisance to residents in areas such as St James’s where concentrated development was taking place. Councillor Acton stated that this topic was also relevant to Councillor Davis’ portfolio as the Cabinet Member for the Built Environment and she would need to liaise with him. She believed that it was a good idea that could be undertaken by the major developers in areas of single land ownership. There was no means of controlling timings for smaller developments such as basement works which could take place in a number of properties in close proximity to each other at any one time.
- 4.18 Biodiversity and Open Space – Councillor Thomson asked what specific steps might be considered in the Council’s Biodiversity and Open Spaces Strategy regarding having a greater number of species. Councillor Acton informed him that there had been a meeting in the summer with partners who were keen to be involved with the Strategy. This would link in with the Sustainability Strategy. Data was currently being collected on species. Councillor Thomson recommended giving guidance to developers on how they should best use roof space if they are intended to create roof gardens. There was a risk that cost or ease of maintenance would limit options for biodiversity. It would be a good idea for the Council to set out what the possible options are. Councillor Acton stated that it was an objective of the Sustainability Strategy to

encourage green corridors and that species move along the green corridors. Pollen creating plants were potentially harder to maintain but were needed to ensure biodiversity.

- 4.19 Councillor Crockett requested that Councillor Acton provide a business case for biodiversity in Westminster. Councillor Acton explained that there was a business case for bees with hives being included on roof gardens. It was necessary to protect food production, including in Westminster. Councillor Thomson made the point that large urban areas were not intensively treated with pesticides so sometimes one could find a greater variety of species than in rural areas. It was important to protect the green spaces.
- 4.20 **ACTION:** The following actions arose from questions raised by the Committee:
- That a written response be provided setting out more detailed information on the complaints relating to street cleansing (**Councillor Argar and Mark Banks, Group Manager, Waste and Parks**).
 - That a written response be provided on the Council's current position relating to vehicle clamping (**Councillor Acton and Kieran Fittall, Service Development Manager**).
 - The Cabinet Member to investigate whether there has been an increase in noise complaints resulting from helicopter flights (**Councillor Acton and Andrew Ralph, Service Manager - Noise & Licensing, Premises Management**).
- 4.21 **RESOLVED:** That the written updates from the Cabinet Members be noted.
- 5. TFL'S CONSULTATION ON THE EAST WEST CYCLE SUPERHIGHWAY**
- 5.1. Martin Low, City Commissioner of Transportation, introduced the report at the meeting. He thanked the Deputy Mayor for Transport, Isabel Dedring and Leon Daniels, Managing Director, Surface Transport at Transport for London ('TfL') for agreeing to receive the Council's response to TfL's consultation on the East West Cycle Superhighway up until 30 November. It provided an opportunity for the consultation to be discussed at the meeting and the two Cabinet Members in attendance, Cllrs Argar and Acton, would be able to take a decision on a response to the consultation. Mr Low paid tribute to TfL officers and Andrew Gilligan, Cycling Commissioner, Mayoral Team for their assistance throughout the process. The biggest challenge to date, however, had been the lack of meaningful information on the impact of the scheme, including how it is constructed and also on special events. The lack of information had meant that it had not been possible thus far to give a comprehensive view of the scheme in its current form. Officers had taken the opportunity to look at an alternative route along part of the East West Cycle Superhighway via Northumberland Avenue, Trafalgar Square, Admiralty Arch and The Mall. At the moment under existing plans for the route, during the Changing of the Guard there would have to be a diversion whilst roads were closed to traffic. The other concern that officers had with the current proposed route alignment was that traffic heading across Westminster Bridge would

have to leave the TfL network into Parliament Square to re-enter Bridge Street to turn left into Victoria Embankment and vice versa. The principle of the Cycle Superhighway and a scheme to help cyclists was supported but there were other important road users including pedestrians. The consultation proposals did not set out the full impact on bus passengers. Mr Low added that TfL's modelling work had sensibly looked at the schemes that were likely to be implemented by 2016, including those in Westminster namely Haymarket (Piccadilly 2-way), Lambeth Bridge Northern roundabout and Cycle Superhighway Route 5. There was an opportunity through TfL's consultation in respect of sections of the route through the Royal Parks that was scheduled to take place in January 2015 to incorporate any refinements arising from the consultation such as the alternative route via Trafalgar Square and proposals for Lancaster Gate Gyratory which John Walton, Honorary Secretary, Paddington Residents' Active Concern on Transport ('PRACT') would be referring to. The current proposals in the consultation would achieve a great deal but there were a few problems which needed to be resolved.

- 5.2 The Committee heard evidence from witnesses Leon Daniels; Alan Bristow, Director of Road and Space Management, TfL; Andrew Gilligan; John Walton and Councillor Brian Connell, Cycling Champion.
- 5.3 Mr Daniels gave a presentation to the Committee. He provided some background to the East West Cycle Superhighway proposals. Both this route and the North South route had been launched as part of the Mayor's Cycling Vision in March 2013 and looked to provide a high quality cycle route segregated from traffic through the heart of London. It was just one of the Mayor's major cycling schemes which included the Central London Grid, Quietways and Mini-Hollands. The public and press were demanding that safety concerns relating to cycling in the capital were addressed. Cyclists accounted for a quarter of all traffic in Central London. There had been 4600 cycle collisions on London's roads last year. What was being proposed was a real step change in the provision of facilities for cyclists. The measures would encourage cycling, create a better environment and contribute to the good health of Londoners. Overall the benefits would outweigh the disbenefits.
- 5.4 Mr Daniels advised that the design principles for the East West route included introducing a substantially segregated cycle facility (cyclists separated from traffic in either space or time through junctions). Segregation would avoid 'swarming' of cyclists around queuing traffic which took place particularly at junctions. The new facility within the existing road footprint meant reassigning road space from other traffic users to cyclists. It was not possible to ban cyclists from using the rest of the carriageway. However, TfL's experience from past projects was that the overwhelming majority of cyclists would use the segregated facility. A wide segregation platform would be introduced where possible. People or freight would not be directed towards the cycle superhighway. The East West Cycle Superhighway had been designed to ensure connectivity with other cycling routes across London. It was proposed that there would be improvements to pedestrian facilities and the urban realm, including widened pedestrian refuge islands such as at Victoria Embankment

and widened footways such as at Parliament Square and Hyde Park Corner. There would be new crossings at Bayswater Road, Lancaster Gate and Westbourne Terrace.

- 5.5 Mr Daniels commented that the traffic modelling for the project had been extensive, surpassing that of the 2012 Olympic Games. The models assumed that all road users had perfect knowledge and that there were no disruptions to the network. It was not possible to model accurately other scenarios. The modelling had taken into account the aggregate effect of 21 major schemes across London that it was anticipated would be underway or completed at the same time as the Cycle Superhighway. It took into account the effects of an advanced traffic signal management programme and changes to journey times which were assessed to be a 12% increase during the morning peak time and a 17% increase during the evening peak time. The journey times were believed to be a worst case scenario as a combination of an advanced traffic signal management programme, would involve a change in timings of traffic signals, and traffic users changing their habits would result in the modelling being on the pessimistic side. There would be a huge increase in resources for enforcement. A lot of work was being taken forward in respect of freight and servicing. The key to reassigning road space to cyclists was that deliveries and servicing were not taking place during peak hours. Mr Daniels stated that there were some advantages and some disadvantages for bus services across the network with some being quicker and others slower. There were measures so that in some areas buses would get to the front of the queue and in other areas where more time was being taken, there would be improvements further along the route.
- 5.6 Mr Daniels provided an update on the consultation process. As stated by Mr Low, the public consultation had formally closed on 9 November but responses were being accepted up until 30 November. A stakeholder workshop was scheduled for 13 November where a small number of interested parties were invited, including Westminster Council. After 30 November, TfL would analyse all the responses and prepare a report, with recommendations to the Mayor expected in early 2015.
- 5.7 The Committee next heard from Mr Walton. He stated that PRACT's objectives included 'the promotion of public transport and other transport facilities available to Paddington residents' but also 'protection of the local environment from the impact of all-London transport projects'. He was concerned about the potential for better facilities for people cycling in London, on the one hand, but on the other hand longer bus journeys and damage to parts of the local environment. He had read in the Evening Standard that the Mayor's target is for cycling to account for 5 per cent of journeys in the capital. He questioned what about the other 95 per cent? He believed some might be unaffected, for instance most journeys on foot. Others might even benefit, through lesser demand – for instance, journeys by tube or overground. But a lot of journeys would be affected adversely, for instance London buses, long-distance coaches, and vans making deliveries to London businesses. He did not believe the social costs of these delays had yet been quantified.

- 5.8 Mr Walton stated that PRACT endorsed all that was proposed in paragraphs 2.1, 2.2 and 2.6 of the report. In PRACT's response to TfL he would be requesting a full environmental assessment, such as was provided, for instance, for the Crossrail project. PRACT sought information on increased air pollution, not only along the route but also along the parallel routes to which vehicles will divert. PRACT also sought improved pedestrian crossings at various points in Bayswater.
- 5.9 In respect of the Lancaster Gate area, PRACT considered that different solutions from those initially proposed by TfL were essential, if severe damage to a number of local businesses was to be avoided. He was particularly referring to Lancaster London Hotel and the two horse riding stables. PRACT agreed that the best new solution should be discussed with stakeholders and that there should be renewed consultation with the public at large. This should be at the same time as the delayed consultation on the Hyde Park section of the superhighway.
- 5.10 Mr Walton made the point that PRACT considered that there was a problem in relation to Westbourne Terrace and the parallel roads. Only the southern section was covered in the present consultation. The critical junctions with Bishop's Bridge Road, a major east–west route, was excluded. Consultation on this northern section would be part of that on the A40 Westway extension, which is delayed to next year. Because of the interactions between the two sections, PRACT was of the view that consultation on the northern section should be accompanied by a revisit of the southern section. There was a further compelling reason for this. The present consultation on the southern section had not provided information on traffic diversions to the parallel roads, which could damage the residential environment in the area to the west. On traffic diversions, PRACT shared the concerns of the report, mentioned at paragraph 4.19, that there was likely to be over-saturation of vehicular traffic in both Westbourne and Gloucester Terraces, which would propagate beyond the peak hours. PRACT was also deeply concerned about the timing of construction in Westbourne Terrace. PRACT considered that in 2016 it would be impossible to halve the traffic lanes there, by putting in segregated cycle lanes at that time. Crossrail had informed PRACT that up to late 2018 they would require the ability to divert eight bus routes in both directions along Westbourne Terrace, in case they needed to close Eastbourne Terrace at short notice. Further, PRACT believed that the case for installing segregated cycle lanes in Westbourne Terrace would stand or fall on a decision to proceed with the Westway extension, which appeared to be open to doubt at present.
- 5.11 Councillor Brian Connell, in his capacity as the Council's Cycling Champion, addressed the Committee. He referred to the data in Mr Daniels' presentation that cyclists accounted for a quarter of all traffic in Central London. It was not a small minority who were using this mode of transport. The Council's direction of travel was in general aligned with the Mayor's. Cycling was good for people's health and the environment. It was however necessary to facilitate the correct routes. He was cautious on the Trafalgar Square route as it was a busy junction and it did not connect up with the westbound traffic

on the Embankment. Parliament Square had more connectivity. Councillor Connell agreed with Mr Walton regarding the proposals for Lancaster Gate Gyratory. The alternative route known as option 3 had merit and should be considered. In his capacity as a Bayswater Ward Member, Councillor Connell stated that he had supported the Westbourne Terrace route onto the proposed Westway extension from when the Cycle Superhighway proposals had first been mooted. He was of the view that the extent of the Cycle Superhighway at this location would potentially have to be re-examined in the event that the Westway extension did not proceed.

5.12 The Committee responded to the report and the points made by the witnesses in the ensuing discussion. The following matters were raised:

- The Chairman asked whether there were projections in terms of lives that would be saved or accidents avoided, particularly in Westminster, as a result of the East West Cycle Superhighway proposals. Mr Daniels stated that the average number of fatalities amongst cyclists had averaged fourteen over a number of years. More than half of those had involved lorries or construction vehicles. Segregating cyclists by space and by time would reduce the number of fatalities and injuries, particularly at junctions. It was only possible to do so much however. There was also an onus on all road users to comply with the rules once the segregated lanes were introduced. Mr Gilligan added that of the 24 who had died since the Mayor's Cycling Vision had been launched, 11 had been in locations where it was proposed to introduce segregated lanes. Mr Bristow commented that in Holland there had been a 60% drop in deaths as a result of segregated lanes.
- It was questioned whether there were projections of the number of people who would give up longer bus journeys and use the underground trains instead as a result of the Cycle Superhighway. Mr Daniels made the point that the numbers cycling for the first time or cycling more extensively would have the benefit of taking pressure off the buses or underground trains. There were historically high numbers of people currently using the underground trains. Traffic speeds in London were starting to worsen again in London as a result of increased economic activity and population growth. He believed that bus times that involved a couple of minutes extra journey time were within most people's tolerance levels but when this increased to ten minutes then it might put users off. TfL was still working to edge down the estimated bus journey times and there were bus priority measures in place for longer journeys to make up time elsewhere on the route.
- Mr Gilligan and TfL representatives were asked to provide a business case for the East West Cycling Superhighway to those residents who do not cycle. Mr Gilligan responded that the case to non-cyclists was that everyone who cycles is freeing up a place for another person who wishes to use the bus or the underground trains. The schemes that were introduced led to a shift in the changes of use regarding the modes of transport. He provided the example of Cycling Superhighway 7 in South London which had not created the degree of segregation proposed for the East West Cycle Superhighway and yet 32% of the cyclists there had

shifted from other modes of transport. This was the equivalent of 750 people during the peak three hours. Considerably more modal shift was expected from the East West Cycle Superhighway. There was also the case that every person who cycled also improved everybody else's health as they would not be adding to pollution.

- TfL representatives were asked whether the traffic lights would be time sensitive. Mr Bristow informed Members that the objective was to ensure that traffic was controlled in a more focussed way. The traffic lights would adapt to what could be seen on the road network. As the traffic changed its nature, the SCOOT traffic lights would change and align with it. The traffic lights could also be controlled or overridden from a 24/7 operations centre.
- Mr Daniels advised that it was unpractical and unnecessary to ban cyclists away from the segregated lanes. To do so would require traffic regulation orders for every stretch of the East West Cycle Superhighway. The evidence was very few cyclists did not use them. It could be revisited if that was found not to be the case along this route. He also informed Members that pedicabs would not be permitted to use the segregated lanes and that enforcement would be even handed for all road users, keeping traffic moving.
- Mr Daniels stated that the volume of people using buses was expected to grow and there was no plan to reduce them. Mr Gilligan added that one of the reasons the East West route was chosen was that there were no bus services on 90% of it.
- It was explained to Members that TfL was currently working on the Environmental Impact Assessment ('EIA'). It would not be published before 30 November but any comments that were made in the consultation responses in relation to it would be taken into account. Mr Gilligan explained that the traffic modelling had taken a number of months and had been completed at the end of September 2014. Only once the modelling was completed could the scoping assessment begin on the EIA.
- Mr Low made the point that Westminster had worked closely with TfL on the findings of the modelling exercise to date but information had not been made available regarding the impact on pedestrians at some of the key locations. The concern was not the principle of the scheme but any adverse implications coming to the fore despite mitigating measures being introduced. The public were commenting on the consultation, having received information published on 26 September which only particularly related to two junctions, Parliament Square and Hyde Park Corner. In the final report to the Cabinet Members on the scheme there needed to be a good understanding of what was being proposed. Mr Gilligan responded that that was the purpose of having given Westminster officers considerable access to the findings of the modelling exercise. Mr Low identified that the issue was not a lack of access to the findings but that there was additional modelling that was yet to be carried out. It was accepted by all parties that it would take time to produce this data. The Chairman stated that meant the Committee's response to the consultation would have a caveat as there was data that was currently not available.
- TfL representatives were asked why they had chosen to take the route through Central London. Mr Daniels explained that there were a thousand

cyclists an hour on the East West Cycle Superhighway route already. It was important to provide safety and connectivity to other Superhighways. The advantage of the Victoria Embankment route was that there are no junctions on the south side due to the river. It is also reasonably wide, has significant footway space and a limited number of frontages. Other routes had been looked at but there would have been additional complexities of dealing with smaller roads, lack of carriageways and large numbers of junctions and bus stops. Councillor Rampulla made the additional point that it would be useful to have a cost benefit analysis of why the specific aspects of the route had been selected. Mr Gilligan gave examples of the benefits of having Parliament Square as part of the route, including that there were currently no safe cycling routes through Central London and that there would be more pedestrian space.

- Mr Daniels confirmed there would be a reduction of coach spaces along the route. TfL was working with the relevant bodies to ensure that there was alternative adequate coach parking available and that there were suitable places to load/unload without disrupting the traffic.
- Mr Gilligan advised that the start date for the consultation in respect of sections of the route through the Royal Parks was still scheduled to be January 2015 but was subject to final discussion with the Royal Parks. He envisaged a period of six weeks for this consultation.

5.13 **RESOLVED:**

1. That the Committee's response to the TfL's Consultation on the East West Cycle Superhighway be finalised and forwarded to TfL by the deadline date of 30 November 2014.
2. The Committee considered that there was reassurance in terms of the key conclusions around the safety of the proposals and their ability to reduce fatalities on Westminster roads. The Committee also welcomes Transport for London's strong commitment to equal enforcement across all road users:
3. The Committee recommended that:
 - 1) TfL provide more data and technical analysis on the proposed changes to this landmark scheme, to ensure that Westminster City Council's submission is formed on the basis of clear evidence. This should include data referred to within the officer's report to the Committee and further data on smaller, side streets and pedestrians;
 - 2) TfL provide evidence that the proposals have undergone an Environmental Impact Assessment; including a thorough assessment of air quality / emissions impact as a consequence of increased traffic congestion cause by the scheme; and,
 - 3) TfL seriously considers the alternative schemes as proposed by Westminster City Council officers in relation to Lancaster Gate Gyratory and Parliament Square.

4. The Committee supports, in principle, the development of the East-West Cycle Superhighway, on the condition that the Committee's recommendations are rigorously examined by TfL.

6. UPDATE ON THE PROGRESS OF THE DEVELOPMENT OF A WESTMINSTER COMMUNITY INFRASTRUCTURE LEVY

- 6.1. The Committee received a report on the steps taken to date in the development of a Westminster Community Infrastructure Levy ('CIL'). A CIL can be charged on developments in a local authority's area with the money raised being used to pay for the provision, improvement, replacement, operation or maintenance of infrastructure that is needed to support development in the City. Infrastructure funded through a Westminster CIL would be directed towards projects that the Council, local community and neighbourhoods consider are required to help support, and address the demands of, new growth from development. The Council had initiated the first stage of consultation for the introduction of the CIL through the publication of the Preliminary Draft Charging Schedule ('PDCS').
- 6.2. The PDCS consultation had concluded after the Committee report was published. The Committee therefore received a verbal update on the consultation process at the meeting. Rachael Ferry-Jones, Principal Planning Officer, advised that officers were currently working through the 32 consultation responses received to date. Some of the submissions were lengthy and many of them had been received immediately prior to or shortly after the deadline. She stated that it was likely there would be a requirement to produce some further evidence to demonstrate and justify the Council's proposals. Officers would be working with the Council's viability consultants, BNP Paribas, to address this. BNP Paribas are widely used by local authorities, particularly London boroughs, to assist in developing a CIL and their approach had been endorsed at many Examination-In-Public hearings. It was clear that the level and detail of comments received at Westminster were greater than other local authorities embarking on developing CIL proposals.
- 6.3. Ms Ferry-Jones informed Members that a number of submissions had been received that were in support of the proposals. She also described some of the issues that had been raised in the responses. These included the view being expressed that the viability, methodology and evidence base is insufficient. There was a query over the number of proxies being used which were scenarios used to test viability. The proxies (actual planning permissions for the most part) were deemed by the Council to be representative of development typologies most typical to Westminster. Ms Ferry-Jones stated that the 92 proxies used by Westminster to test viability were far more than any other local authority had introduced. Concern had also been expressed regarding the sensitivity testing and costs included in the viability reports which had taken into account Westminster development costs and had been discussed previously with Westminster Property Association. Other points made included whether the evidence was sufficient in relation to the specific charging zones and that there is a concern that charging a

Westminster CIL will drive the level of affordable housing down. In terms of governance and spend of CIL receipts, there were queries regarding how the Council would spend the money and prioritise schemes. There were a number of assurances throughout the evidence base that the Council will be developing a replacement supplementary planning document in respect of s106 planning obligations and CIL which would provide further transparency. The draft regulation 123 list, setting out the infrastructure that the Council may choose to fund through CIL, would be revised and would contain more detail as the CIL proposals were developed.

- 6.4 Ms Ferry-Jones explained that given the volume of responses and the need to undertake further detailed work in partnership with the Council's viability consultants, including meetings with key stakeholders, it was likely to lead to a revised timetable for the development of the Westminster CIL. The draft PDCS would be likely to be published in early 2015 and it was unlikely that the CIL would be in place by 1st April 2015. Officers would use their best endeavours to be as close to that date as possible. If it was not implemented by April, the Council would need to an interim approach to how it used planning obligations as the use of s106 planning obligations to provide infrastructure would be restricted.
- 6.5 The Chairman asked officers what would be the most useful inputs from the Committee going forward. Barry Smith, Operational Director, City Planning Delivery Unit, replied that it would be useful to receive a steer from the Committee on the themes of the consultation responses. A potential way forward was to have a CIL Task Group or a presentation during or outside of the scheduled P&S meetings. He added that there would be a potential impact on financing from s106 planning obligations in the event CIL implementation took place after 1st April 2015.
- 6.6 The Committee asked a number of questions on this topic. These included Councillor Glanz's request for a table showing what other London Boroughs had proposed in terms of their CILs (this had been referred to in paragraph 4.35 of the report). Mr Smith stated that it would be possible to provide a table, including a comparison of the various rates. In response to questions from Councillor Scarborough, Ms Ferry-Jones and Laurence Brooker, Principal Planning Officer, advised that there would be further testing on a wide range of sites in respect of affordable housing so the evidence was as robust as possible. It would be possible to review the rates at the next round of consultation. It was currently envisaged that there would be a two year review cycle to review rates after CIL implementation. Councillor Rampulla compared the infrastructure funding gap with the CIL income projections and asked whether it was intended that 14.3% of the funding gap over the next five years would be financed through CIL. Ms Ferry-Jones and Mr Smith replied that the Government had made it clear that whilst CIL could be a contributor to reducing the funding gap, it was not envisaged to fully fill the infrastructure funding gap. It was agreed that a written response would be provided to Committee Members explaining these figures.

- 6.7 Councillor Williams asked about the contributions received for affordable housing. Ms Ferry-Jones explained data included in an appendix to the report that total contributions negotiated between 1 April 2008 and 31 March 2013 were £246,842,873 and total contributions received during that period were £31,113,022. Mr Brooker added that more money would be obtained from the contributions negotiated as developments proceeded. In response to a question from Councillor Hyams, it was confirmed that CIL cashflow received would be expected to be superior to section 106 agreements. An average of £2.3 million per annum had been received in infrastructure payments for the Mayor's CIL from 1st April 2008 to 31st March 2013. Councillor Thomson made the point that it would be important in the governance arrangements for it to be made crystal clear that the money will be used for community benefit and this should include how the regulation 123 list had been constructed, which projects were then being funded and how much money was going toward each of the projects. Mr Smith stated that these details were being worked through and further information would be brought to the Committee for Members' views in due course. Mr Brooker also advised that following implementation the Council would have a duty to report annually and inform how the money was being collected and spent. Councillor Crockett expressed concerns that other authorities had already introduced the CIL and that it was unlikely to be established in Westminster before April 2015. Mr Smith explained that it had been known that of all the boroughs in London Westminster would be under the most scrutiny in attempting to adopt a CIL. It had been important to assess CIL implementation in other local authorities. The regulations had changed every year since the CIL concept had been brought in by the previous Government. There was a need for robust evidence if the CIL was going to be implemented in Westminster at all and although Westminster had used more proxies than any other Council as an evidence base, this was still not deemed to be sufficient by responding parties.
- 6.8 The Chairman stated that the loss of community revenue in the event CIL was not introduced in April 2015 was a concern for the Committee but it was also appreciated that there was a balance to be struck as the Council was under a great deal of scrutiny in developing the CIL. It was agreed that the Committee would receive a detailed briefing on CIL, potentially immediately prior to the next Committee meeting and that Members would then give consideration to whether to establish a task group.
- 6.9 **ACTION:** The Committee requested the following:
- That a comparison table be produced showing what other London Boroughs had proposed in terms of their CILs (**Rachael Ferry-Jones, Barry Smith and Laurence Brooker**).
 - That a written response be provided to Committee Members explaining the CIL income projections in relation to the infrastructure funding gap (**Rachael Ferry-Jones, Barry Smith and Laurence Brooker**).
- 6.10 **RESOLVED:** That a detailed briefing be provided on CIL prior to the Committee giving consideration as to whether to establish a task group.

7. WESTMINSTER'S CITY PLAN - CONSULTATION BOOKLETS

- 7.1 Lisa O'Donnell, Head of Spatial and Environmental Planning, introduced the item. She provided Members with a summary of the issues raised in the responses to the consultation booklets from the previous round of 6 booklets. She advised that some of the key issues raised overall in the consultation responses to date were: concern about the requirement for reduction in on-site open space to be 100% reprovided as green infrastructure; digital signage; car free development; one way to two way working and also pedicabs.
- 7.2 The Committee had been encouraged to provide comments on two booklets prior to public consultation. These were Energy and also Heritage, Views and Tall Buildings. Ms O'Donnell advised that a key theme of the latter booklet was that it focussed on the benefits of heritage including business investment and location and tourism, rather than it being seen as a burden on development. Key new policies included criteria for demolition, considering both the architectural merits and its performance e.g. energy use, and a policy on the World Heritage site. Much of the final detail from this booklet rested on the Tall Buildings study currently being undertaken. This was due to report before Christmas. In respect of the Energy booklet there was a small window of opportunity to obtain payments in lieu of any failure to meet the required standards. From 2016, zero carbon residential buildings would become mandatory. From 2019 it would become mandatory for all non residential buildings to be zero carbon. By 2020 all new development would have to be zero carbon. The aim was to apply this as an interim measure for as long as possible, using the funds to improve performance on the Council's estates and buildings and the Council reducing its own and residents' energy bills.
- 7.3 Ms O'Donnell informed Members that in addition to the comments on the two booklets where comments had already been sought prior to the public consultation, it was also intended that the Committee's comments would be sought in the near future on the Mixed Use and Office to Residential booklet and the Affordable Housing booklet prior to the public consultation.
- 7.4 The Chairman made the point that the Energy and Heritage, Views and Tall Buildings booklets had been received by Members of the Committee a couple of weeks previously and some Members had already responded. It was agreed that Members would forward any additional comments on the two booklets by the end of the week and the Committee's overall response would then be forwarded to the Cabinet Member for the Built Environment.
- 7.5 **RESOLVED:** That the Committee's response, incorporating the comments of Members, to the Energy and Heritage, Views and Tall Buildings booklets be forwarded to the Cabinet Member for the Built Environment.

8. PRESS RELEASES

8.1 The Chairman informed those present that the Council had issued a press release in respect of the East West Cycle Superhighway the previous week. This would be reviewed in light of the conversations with TfL representatives.

9. ANNUAL WORK PROGRAMME AND ACTION TRACKER 2014

9.1 The Chairman commented that he was content that the action tracker accurately reflected the actions sought by the Committee and the steps taken by officers to respond to these. The Chairman stated that taking into account Councillor Argar's comments and Members of the Committee's wish to scrutinise the Waste Strategy, the item should be added to the work programme in the New Year. Mark Ewbank, Scrutiny Manager, made the point that the Air Quality Strategy was currently scheduled for the meeting on 19 January 2015 but due to the timetable of the work relating to the Sustainability Strategy and Task Group, it might be appropriate to consider this item at a later date and replace it with another item such as the Waste Strategy. The Committee agreed that it was appropriate to replace the Air Quality Strategy with the Waste Strategy on 19 January. The Committee noted that the other item currently scheduled for 19 January was two-way traffic flows. Councillor Hyams recommended that broadband was also added to the work programme due to concerns that had been expressed that it was questionable whether residents and businesses had access to world class broadband in this world class city. The Committee agreed that this item was appropriate for inclusion on the work programme.

9.2 Mr Low advised the Committee that as part of the Cycling and Walking in Westminster item scheduled for the meeting on 2 March 2015, he was likely to be able to provide an update on the East West Cycle Superhighway.

9.3 **ACTION:** That the following be taken forward:

- The Waste Strategy replace the Air Quality Strategy on the Work Programme for the meeting in January 2015 and the relevant officers be informed accordingly (**Mark Ewbank, Scrutiny Manager**).
- Broadband be scheduled as an item for the Work Programme at one of the January, March or April 2015 meetings (rounds four to six) (**Mark Ewbank, Scrutiny Manager**).
- An update on the East West Cycle Superhighway be incorporated into the Cycling and Walking in Westminster item at the 2 March 2015 meeting (**Martin Low, City Commissioner of Transportation**).

9.4 **RESOLVED:** That the Annual Work Programme be amended to take into account the new items requested by the Committee.

10. ANY OTHER BUSINESS

10.1 There was no additional business for the Committee to consider.

11. CLOSE OF MEETING

11.1 Meeting ended at 10.13p.m.

Chairman: _____ Date: _____