

Appendix 1

Summary of the main issues raised in the representations to the Draft Charging Schedule (CIL Regulation 19 statement)

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- 7.1 The council consulted on a Draft Charging Schedule (DCS) for a six week period ending on the 24th July 2015. The consultation documents were made available on the council's website, at its main offices and at council libraries. All relevant stakeholders were provided with details on how to access the publications and were invited to make comments at the start of the consultation period.
- 7.2 In total, **38** consultation responses were received from interested stakeholders, including the Mayor of London, and a number of landowners and property developers within Westminster, including the Westminster Property Association (WPA). A schedule listing the respondents, summarising the comments made and setting out the council's proposed response, is attached to this report.
- 7.3 It is noted that in contrast to the previous consultation on a preliminary draft charging schedule, with the exception 'holding response' issued by the Mayor of London (*response D2.7*), no specific objections to the viability methodology have been received by the council. Some respondents proposed amendments to the charging zone boundaries or rates but no viability evidence has been put forward in support of these changes.
- 7.4 The nature of these responses varied. Some common issues and points were raised, however. There were six main issues raised, which are summarised below, together with the council's response outlined below. The responses received will be published on the council's website at www.westminster.gov.uk/cil. A more detailed summary of comments received is included at Appendix 1.

1. **Concerns about the clarity and certainty of the likely extent of planning obligations once CIL is adopted:** A number of respondents raised concerns about the lack of certainty on the 'residual' section 106 planning obligations requirements and the potential for double dipping (*TfL, respondent reference D2.5*). A number of respondents elected to reserve comment on this issue pending the consultation on the planning obligations Supplementary Planning Document (SPD).

The council's response: The 'Draft Supplementary Planning Document: Use of planning obligations and other planning mechanisms' was consulted on from the 14th August 2015 to the 25th September 2015. The Draft SPD and the Draft Regulation 123 list have been prepared with regard to the CIL regulations 2010 (as amended).

2. **Charging Zone boundaries:** The inclusion of the Belgrave Square in the 'Prime' charging area has been challenged on the basis that there is no differentiation with the rest of Belgravia which is in the "Core" and that as this follows the boundary of the central activities zone in the City Plan it is a policy – rather than viability – driven decision. It has also been suggested that the whole of Grosvenor Gardens is in the Core zone, rather than part Prime/part Core, for consistency (*D3.08 Grosvenor*). It is further suggested that the land between Eccleston Place and Ebury Street should be within the Core, rather than Prime, commercial designation and that area between Buckingham Palace Road and Ebury Street, within the Victoria BID footprint, should also be Core rather than Prime (*D3.08 Grosvenor*).

It is also proposed (*D3.07 Great Western Developments*) that the area bounded by London Street, Praed Street and Paddington Basin should be categorised as a Fringe (rather than Core) area due to the likelihood of significant redevelopment proposals over the course of the next decade which will need to make significant direct transport and public realm contributions.

A number of respondents from the Churchill Gardens areas objected to the inclusion of the Churchill Garden in the 'fringe' residential zone (*D5.1 P. Zuckerman, D5.2 P Brett, D5.3 A. Eykyn, D5.4 V Rushton, D5.5 P. Hughes, D5.6 J. O'Sullivan, D5.9 Churchill Gardens Lessees Association, D5.12 Wycliffe Stutchbury, D5.14 T. Ball, D5.15 Churchill Gardens Residents Association*). Respondent considered that the decision to remove this areas from the 'core' charging area for residential is unjustified, inconsistent with the approach to commercial charging areas and likely to lead to increased development pressure in the area.

The council's response: No viability evidence has been brought forward to support any of these suggestions. The evidence that is available about property values tends to confirm that Belgrave Square and the Buckingham palace Road/Ebury Street area are appropriately located in the prime zone. Changing the interzonal boundary in Grosvenor Gardens would result in a more complicated borderline. There is no evidence to support moving the Paddington Station area into the fringe zone - the fact that the area is subject to redevelopment is not a valid reason for taking CIL decisions, which require a viability justification. The objections from the Churchill Gardens area appear to be based on a misunderstanding of the process and the basis on which CIL charging zones are developed.

- 3. Proposals for lower rates or exemptions:** A number of proposals were made for lower or zero charging rates. It was suggested that a lower rate or relief for small (less than 150sqm) retail in the 'prime' area should be considered to enable encourage mixed uses and start up space and enable continued delivery of this type of space in this location (*D3.08 Grosvenor*). It was also suggested that a lower rate for private rented sector (PRS) developments be considered based on the value distinction between residential units sold individually on the open market and the value of units provided as PRS (*D3.08 Grosvenor*). There is also an argument that "ancillary floorspace" (such as servicing and parking) should be excluded when the amount of CIL payable is calculated (*D3.7 Great Western Developments*).

The council's response: The council considers that the rates specified for uses in the Charging Schedule are appropriate. All rates have been reduced significantly creating a 'buffer' to allow for variations in development type within each use type identified. It is noted that no viability evidence has been submitted on the proposed changes to the rates.

Exempting ancillary floorspace is not appropriate or practical. It would give rise to an inconsistent application compared with other charging authorities including the Mayor

of London's CIL, for which this approach has been explicitly ruled out. It is furthermore unclear how this kind of space could be defined in terms of a 'use' under the CIL regulations or how this 'viability' of ancillary space could be separated to warrant a zero charge. There is no provision in the regulations dealing with the calculation of the CIL to exclude space of this kind.

4. **Office rates:** the reduction in office rates is supported (*D3.1 Westminster Property Association, D3.5 Capital and Counties Covent Garden and D3.08 Grosvenor*).

The council's response: The council decided to reduce the office rate proposed at the Preliminary Draft Charing Schedule stage based on evidence submitted at the PDCS stage about qualitative difference in office floorspace demand in Westminster and the high costs associated with this.

5. **Flexibilities (discretionary reliefs/ CIL payment in kind):** The council intends to introduce all discretionary reliefs and this was welcomed by several respondents (*D3.1 Westminster Property Association, D3.2 Berkley Homes, D3.6 Heart of London Business Alliance, D3.7 Great Western Developments, D3.8 Grosvenor*) The need to get further legal advice on state aid matters which may impact the implementation of these reliefs (*D3.1 Westminster Property Association*) and to clarify how they will operate (*D5.13 The Westminster Society*) was also highlighted .

The decision to introduce an instalments policy was also supported and an instalment policy was submitted for the council's consideration (*D3.1 Westminster Property Association, D3.2 Berkley Homes*).

The council's response: It is intended to allow the discretionary reliefs available to respond to the very diverse circumstances that characterise development in the City. The council will implement these policies alongside CIL once adopted and will take further legal advice where appropriate to ensure these comply with the CIL Regulations 2010 (as amended) and other relevant legislation. The council also intends to produce an instalment policy which goes beyond the provisions of the Mayor of London's policy. The council has taken account of proposed Instalment policy proposed by WPA (*respondent reference D3.1*) and is preparing a draft instalment policy for adoption alongside the CIL Charging Schedule. This will be provided to the Examiner for information. It is noted that the council's viability evidence submitted adopted a cautious approach assuming full CIL payment within the default time period specified in the CIL Regulations 2010 (as amended) of 60 days.

6. **Governance and spend:** Several respondents sought further information and assurances about the governance and spend of CIL.
 - Several respondent highlighted priorities for CIL spend (or on-going Section 106 priorities) and in some cases requested amendments to the Regulation 123 list to reflect (*D2.02 Natural England, D2.04 Environment Agency, D2.05 TfL, D2.06 NHS CCG*)

- A number of respondents sought to be involved in any governance associated with the allocation of CIL (D2.05 TfL, D3.01 Westminster Property Association, D3.2 Berkeley Group).
- It is suggested that for strategic sites – such as West End Green – it would be appropriate to ring-fence spend to the vicinity of the site particularly where particular infrastructure and regeneration needs had been identified (D3.2 Berkeley Group)
- West End business groups highlighted that their support of CIL was predicated on the delivery of infrastructure, notably public realm improvements, in their area and sought clarification on delivery (D3.6 Heart of London Business Alliance, D3.4 New West End Company).
- Representatives of neighbourhood forums asserted that the council should ‘agree’ and not just ‘consult’ Neighbourhood Forums on what the neighbourhood proportion of CIL will be spent on (D5.8 Knightsbridge Neighbourhood Forum, D5.10 Soho Neighbourhood Forum, D5.11 Fitzrovia Neighbourhood Forum, D5.16 Knightsbridge Residents Management Association, D5.17 South East Bayswater Residents Association). Some respondents went further than this to also suggest that any engagement on spend of the neighbourhood proportion should be limited to the Forum (D5.16 Knightsbridge Residents Management Association and D5.19 Marylebone Forum. Specific engagement on neighbourhood proportion of CIL was also sought by New West End Company (D3.4) and Paddington Waterways & Maida Vale Society and Little Venice Neighbourhood Area (D5.7)

The council’s response: these matters are not strictly relevant to the proposed rates. Some further information about the intended use of CIL is provided in the Draft Supplementary Planning Document: Use of planning obligations and other planning mechanisms and an indication on the infrastructure types that the council may spend CIL on is provided by the draft regulation 123 list. Further work on the governance of the CIL including arrangements for effective administration of CIL, processes for agreeing spend of CIL receipts and monitoring and review mechanisms is being progressed. Consultation and engagement on these matters along with further reports to Cabinet members will be made as necessary.

7. **Public realm credits:** Several respondents urged the council to adapt and revise the current system of public realm credits to enable operation in a CIL context (D3.1 Public Realm Credits, D3.5 Capital and Counties Covent Garden, D3.8 Grosvenor). The public realm credit system has allowed developers to forward fund priority public realm improvement works, being reimbursed by the council (where agreed by a planning committee) by offsetting the contribution against a future requirement to contribute towards public realm improvements in the same area as those funded through their original contribution.

The council’s response: Again, this issue is not strictly relevant to the rates. However, as the council indicated in consultation documents the CIL regulations allow for the council to agree for a developer to either deliver or forward fund a piece of CIL infrastructure and be reimbursed from CIL receipts.

Appendix 1 - A summary of the comments made during consultation on Westminster's Draft Charging Schedule and the council's response to the matters raised

Glossary

CIL	Community Infrastructure Levy	PDCS	Preliminary Draft Charging Schedule
DCS	Draft Charging Schedule	SPD	Supplementary Planning Document
NPPF	National Planning Policy Framework	SPG	Supplementary Planning Guidance

The full text of responses received will be published on the council's website at www.westminster.gov.uk/cil.

Respondent number	Respondent	Comment	WCC response and proposed action
D2.1	Highways England	No comments	Noted
D2.2	Natural England	No specific comments. But CIL has a role in planning positively for biodiversity and green infrastructure in line with the NPPF. Consideration should be given how CIL will be used in a strategically to enhance the natural environment.	Noted
D2.3	Office of Rail and Road	No comments	Noted
D2.4	Environment Agency	The Regulation 123 list does not include provision for flood defences and flood risk alleviation. The TE2100 plan and Westminster Briefing note should be used to identify gaps [in provision] and for an idea of the overall cost for	The process for developing the final list of projects or infrastructure types to be funded through CIL is still being developed. It is likely to include a process of consultation with neighbourhoods, businesses and their representative organisations (including business

Respondent number	Respondent	Comment	WCC response and proposed action
		<p>upgrading/replacing the flood defences. Information on specific assets or schemes/stretches of river wall with costings and gaps are not available but will become available in due course.</p>	<p>improvement districts), infrastructure providers (such as Transport for London) and others. It will result in a list to be published under regulation 123 of the CIL Regulations which is likely to be kept under regular review.</p> <p>Flood defences on a scale greater than that required for a single scheme may be met from the Community Infrastructure Levy.</p>
D2.5	Transport for London	<p>TfL welcome the development of your draft regulation 123 list and particularly the recognition of transport schemes as important infrastructure projects within the associated Infrastructure Plan addendum. TfL want to work closely with Westminster to develop and coordinate proposals to enhance transport infrastructure.</p>	<p>Noted, the council wishes to continue to engage with infrastructure providers and other local stakeholders in developing its infrastructure planning and prioritisation processes and governance mechanisms for CIL expenditure</p>
D2.5	Transport for London	<p>It is disappointing the Planning Obligations SPD on the approach to planning obligations is not yet available. However, the regulation 123 list identifies the continued role of site-specific s106 planning obligations where appropriate.</p>	<p>Noted, the council has published a draft SPD covering the future role of planning obligations for consultation.</p>
D2.6	NHS Central London Clinical Commissioning Group	<p>Delivering care in the community is inhibited by the lack of suitable and affordable estate in Westminster. It is requested that wherever possible section 106 used to help the NHS secure appropriate premises for this purpose.</p>	<p>CIL will be the principal source of funding to manage the cumulative effect of development on social infrastructure including health facilities. Section 106 contributions are only likely to apply to the largest major developments which individually give rise to the demand for social facilities.</p>

Respondent number	Respondent	Comment	WCC response and proposed action
			The council is developing governance processes for the allocation of CIL and anticipates further engagement with NHS Central London Clinical Commissioning Group as part of this process.
D2.7	Mayor of London	The council has been able to demonstrate that the Mayor's CIL has been taken into account in formulating the proposals, as required by regulation 14(3) of the Community Infrastructure Levy Regulations 2010 (as amended).	Acknowledgement that this requirement under the CIL Regulations has been met is noted.
D2.7	Mayor of London	We are unable to say whether the draft CIL proposals will not put at risk the implementation of the London Plan currently. Our consultants have been following up a number of detailed issues on the viability methodology; these issues will be resolved by the time the examiner asks us to put in our written statement.	Noted. Evidence has been provided that the council's CIL proposals will not put implementation of London Plan policy (particularly on affordable housing) at risk. The council will continue to engage with the Mayor of London with a view to resolving all outstanding issues in advance of any hearing.
D3.1	Westminster Property Association	WPA welcomes the reduction in office rates based on viability evidence on the particular costs incurred by office development within the Core CAZ.	Noted
D3.1	Westminster Property Association	A world-class public realm is essential and innovation in the use of CIL, including using it to refund the early delivery of public realm infrastructure is supported. The existing Public Realm Credits SPD should be revised – giving relevant regulations. A money payment could be made towards the early delivery of a specific	Noted. These issues are under consideration in developing proposals for governance of the Westminster CIL.

Respondent number	Respondent	Comment	WCC response and proposed action
		scheme in the Regulation 123 list in advance of a development that would give rise to a CIL liability. The early payment could then be treated as having paid the CIL charge for the later development.	
D3.1	Westminster Property Association	The council's intention to permit all discretionary CIL reliefs is supported. Further legal advice should be sought in relation to limits on the use of reliefs posed by EU State Aid rules the effect of which could potentially negates the benefit of the reliefs.	Noted. These issues are under consideration in developing proposals for governance of the Westminster CIL. The council invites WPA to share any legal advice it receives on this matter with the council to enable the proper and effective implementation of these policies.
D3.1	Westminster Property Association	In the absence of the Planning Obligations SPD, WPA remains concerned that a considerable risk of gradual growth in the scope of 'residual' s106 remains. Subject to the Planning Obligations document, we may seek to draw concerns to the Inspector's intention at examination.	Noted. The draft SPD has now been published and is currently out for public consultation. Planning obligations are necessarily determined on a case by case basis specific to the developments impacts. However, the council in its draft SPD and approach to its regulation 123 list has sought to ensure that future section 106 contributions are scaled back. The draft SPD clearly sets out the scope of planning obligations and identifies £20 per square metre as a strategic benchmark for negotiations.
D3.1	Westminster Property Association	The intention to make the Regulation 123 list more specific over time is supported. The Regulation 123 list should focus on delivering planning and place-shaping priorities such as new public realm. Examples of the level of detail anticipated within the Regulation 123 list could go some way to addressing concerns over double	Noted, the council wishes to continue to engage with infrastructure providers and other local stakeholders in developing its infrastructure planning and prioritisation processes and governance mechanisms for CIL expenditure

Respondent number	Respondent	Comment	WCC response and proposed action
		charging and in illustrating how CIL and the Regulation 123 list could interact with advance payment of CIL as a potential replacement to the existing public realm credit system.	
D3.1	Westminster Property Association	The council's intention to adopt an instalment policy to mitigate the impact on viability of development is therefore welcomed – a four instalments based on three levels of payment (less than £500,000, £500,000 to 9,000,000 and £10,000 plus).	Noted, the council intends to develop its own instalment policy and will consider the proposals for an instalment policy put forward by Westminster Property Association
D3.1	Westminster Property Association	WPA notes the published intention to commence charging by the end of 2015. We suggest that this is revised to April 2016 to avoid uncertainty for schemes that have been developed, and appraised, in a pre-Westminster CIL environment.	Noted. The council intends to bring forward a CIL as soon as possible subject to the outcomes of the independent examination into the council's proposals.
D3.1	Westminster Property Association	Private sector landowner/developer representation should be included on the CIL Infrastructure Board. The Board, or other governance arrangements, could ensure that the Regulation 123 list was specific, regularly updated, and reflected agreed priorities for infrastructure. We look forward to continuing to work with officers to prepare for the implementation of CIL including discussion on matters of governance.	Noted, the council wishes to continue to engage with infrastructure providers and other local stakeholders in developing its infrastructure planning and prioritisation processes and governance mechanisms for CIL expenditure. Proposals to ensure this are being developed as part of work on CIL governance issues.
D3.2	Berkeley Group (represented by Turley)	West End Green is designated in Westminster's City Plan as a strategic site. Many other boroughs	There is no viability evidence to suggest strategic sites in general, and West End Green in particular, are not

Respondent number	Respondent	Comment	WCC response and proposed action
		<p>have zero-rated or reduced CIL rates in strategic sites due to the unique viability conditions and development costs that they often present. Practical issues such as the CIL instalments policy, and the wider issue of governance and spend of CIL receipts become all the more important for these strategic sites that will generate significant CIL liabilities and infrastructure demands, while delivering many of Westminster's key strategic policy aim.</p>	<p>viable and therefore no reasonable basis for zero rating these sites in the content of the CIL Regulations 2010 (as amended)</p>
D3.2	Berkeley Group (represented by Turley)	<p>Westminster's emerging instalments policy will be a key economic consideration. We encourage an instalments policy that provides developers with flexibility without burdensome payment schedules. Multiple instalments based on periods of time after commencement, monetary amounts (through a series of liability bands with associated payment schedules), or on the achievement of certain development milestones (e.g. for a residential development through units or phases built).</p>	<p>Noted. The council intends to develop its own instalment policy and will consider the suggestions for an instalment policy put forward by Berkley Homes. The CIL Regulations require payment periods to be set by reference to numbers of days from the date development commences, which makes alignment with development milestones problematic.</p>
D3.2	Berkeley Group (resented by Turley)	<p>We encourage the council to consider proposals for relevant individual infrastructure projects that could be put forward by parties outside of the council for the allocation of CIL spend, particularly in association with sites of the size and nature of West End Green that have the potential to generate significant CIL receipts and generate infrastructure needs. This would allow</p>	<p>CIL is to deal with strategic infrastructure requirements across the city and, while the possibility of spend in the locality of developments from which payments are derived is not excluded, CIL expenditure is not constrained in this way. Seeking to limit CIL in this way would undermine the benefits of having a strategic tool of this type to support infrastructure delivery to meet the demands of the cumulative</p>

Respondent number	Respondent	Comment	WCC response and proposed action
		<p>areas in the vicinity of strategic sites to directly benefit from the CIL generated by that site and for locally identified infrastructure need to be met. It is noted that West End Green site is adjacent to the Church Street regeneration area.</p>	<p>rather than individual demands of development in the city. Governance proposals are being developed to enable a strategic approach to use of CIL resources having regard to the council's City for All, City Plan and other strategic priorities.</p>
D3.2	Berkeley Group (resented by Turley)	<p>We encourage the council to use the discretionary reliefs from CIL that the council has available to it, for example around discretionary social housing relief and exceptional circumstances relief. The nature of the housing market in Westminster has led to the use of a range of affordable housing types across the borough which in some cases do not meet criteria for social housing relief. The use of this relief will allow local circumstances to be reflected and enable delivery.</p>	<p>Noted, the council has set out its intention to adopt all of the discretionary reliefs provided for under the CIL Regulations 2010 (as amended)</p>
D3.3	Westminster Living Streets	<p>Westminster should include the area around Paddington Crossrail station in the 'Prime' charging zone both for residential and commercial development. We think the lower rate is an oversight based on a perception that Paddington Crossrail station will primarily be used for 'interchange' with National Rail and Underground. It is likely to become a Crossrail destination in its own right and a focus of high-value development.</p>	<p>No viability evidence has been presented to justify moving this part of Paddington from the Core to the Prime zone.</p>
D3.3	Westminster Living Streets	<p>Westminster should explicitly include pedestrian and cycling infrastructure in its CIL Draft</p>	<p>Noted, the council wishes to continue to engage with infrastructure providers and other local stakeholders</p>

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		Regulation 123 List . Pedestrians and cyclists are important to economic growth and there is the opportunity to reduce the extremely high casualty rates associated with these forms of transport. Note the more detailed and inclusive Regulation 123 lists drawn up by other boroughs including Camden.	in developing its infrastructure planning and prioritisation processes and governance mechanisms for CIL expenditure. The indicative regulation 123 list that has been published already includes reference to transport and public realm works and the council has set out its intention that the Regulation 123 list will be the subject of consultation, further amendments and regular updating.
D3.4	New West End Company	We would encourage WCC to prioritise the enhancement and improvement of the West End, particularly when providing further detail to the CIL Regulation 123 List once the CIL has been successfully adopted.	Noted. The process for developing the final list of projects or infrastructure types to be funded through CIL is still being developed. It is likely to include a process of consultation with neighbourhoods, businesses and their representative organisations (including business improvement districts), infrastructure providers (such as Transport for London) and others. It will result in a list to be published under regulation 123 of the CIL Regulations which is likely to be kept under regular review.
D3.4	New West End Company	We recognise the council’s reluctance to name schemes on Regulation 123 list at this stage, which would then prevent these schemes being funded by Section 106 payments, potentially stopping them from going ahead. Without specificity, however, this element of the “relevant evidence” base for DCS lacks weight. Our support for the proposed CIL regime is based on our aspirations for public realm improvements	Noted. The council wishes to continue to engage with infrastructure providers, business organisations (including business improvement districts) and other local stakeholders in developing its infrastructure planning and prioritisation processes and governance mechanisms for CIL expenditure. The regulation 123 list already includes reference to public realm works and the council has set out its intention that the published indicative Regulation 123 list will be the

Respondent number	Respondent	Comment	WCC response and proposed action
		in our BID area including Bond Street and Oxford Street West.	subject of consultation, further amendments and regular updates.
D3.4	New West End Company	We note that freight consolidation is not explicitly mentioned on the Regulation 123 list consideration should be given to supporting this priority through the CIL contributions.	The SPD identifies that 'shared freight/servicing facilities' could be funded by CIL.
D3.4	New West End Company	Our property owners strongly favour all payments in our BID areas being ring-fenced for local use but we recognise that it would conflict with the nature and intention of the CIL. However, 15% of payments should be spent in the local area as neighbourhood portion. We would welcome further discussion with the council about how this will be allocated, including the possibility of using the existing BID boundary to define our local neighbourhood.	The Government does not prescribe a process for agreeing how the neighbourhood proportion of funding should be spent. However, working with designated neighbourhood forums (including the 7 that have been designated as "business neighbourhoods") which have prepared/ are preparing a plan to agree priorities and engagement with other local neighbourhood groups – including business groups - will be an important part of this process.
D3.4	New West End Company	We look forward to working closely with WCC in developing the CIL Regulation 123 List and would be happy to meet with representatives of WCC and the CIL Infrastructure Board to discuss what infrastructure projects could be introduced in order to enhance and improve the West End.	Noted, the council wishes to continue to engage with infrastructure providers, business organisations (including business improvement districts) and other local stakeholders in developing its infrastructure planning and prioritisation processes and governance mechanisms for CIL expenditure.
D3.5	Capital and Counties Covent Garden (represented by Gerald Eve)	The reduction in office rates due to the recognition of costs incurred by office developments within the Core Central Activities Zone is welcome.	Noted.

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D3.5	Capital and Counties Covent Garden (represented by Gerald Eve)	Capco Covent Garden has used the public realm credit initiative and would like to continue to be able to deliver high quality public realm in advance of new development. Capco support the WPA's (Respondent reference D3.1) suggestion that the existing Public Realm Credits SPD is revised, to explain the circumstances in which either advance payment of CIL, or a refund of CIL, is potentially available.	Noted. These issues are under consideration in developing proposals for governance of the Westminster CIL.
D3.5	Capital and Counties Covent Garden (represented by Gerald Eve)	A more specific Regulation 123 to provide further clarity on what CIL is used to deliver is supported; this should focus on delivering planning and place-shaping priorities such as new public realm.	Noted, the council wishes to continue to engage with infrastructure providers, developers and other local stakeholders in developing its infrastructure planning and prioritisation processes and governance mechanisms for CIL expenditure. The regulation 123 list already includes reference to public realm works and the council has set out its intention that the Regulation 123 list will be the subject of consultation and further amendments.
D3.5	Capital and Counties Covent Garden (represented by Gerald Eve)	The council intention to make all discretionary reliefs available is supported	Noted
D3.5	Capital and Counties Covent Garden (represented by Gerald Eve)	The intention to put in place a policy that will enable CIL to be paid in instalments is supported; and the proposed instalment framework as set out in the WPA's (respondent reference D3.1) representations is supported.	Noted, the council intends to develop its own instalment policy and will consider the proposals for an instalment policy put forward by Westminster Property Association
D3.6	Heart of London Business Alliance	We support the council's intention to make all of the discretionary reliefs and in-kind payment	Noted

Respondent number	Respondent	Comment	WCC response and proposed action
		provisions available, particularly discretionary charitable relief.	
D3.6	Heart of London Business Alliance	We recognise the council’s reluctance to name schemes on the Regulation 123 list at this stage, which would then prevent these schemes being funded by Section 106 payments, potentially stopping them from going ahead. Without specificity, however, this element of the “relevant evidence” base for the DCS lacks weight and our support for the proposed CIL regime is conditional on CIL payments on public realm improvements in our BID areas.	Noted, the council wishes to continue to engage with infrastructure providers, business organisations (including business improvement districts) and other local stakeholders in developing its infrastructure planning and prioritisation processes and governance mechanisms for CIL expenditure. The published indicative draft regulation 123 list already includes reference to public realm works and the council has set out its intention that the Regulation 123 list will be the subject of consultation and further amendments.
D3.6	Heart of London Business Alliance	Freight consolidation is not explicitly mentioned on the Regulation 123 list; further consideration should be given to supporting this priority through CIL contributions.	The SPD identifies that ‘shared freight/servicing facilities’ may be funded by CIL. The Regulation 123 list can be modified to take account for consistency with the SPD. However, it should be acknowledged that the council intends to keep the draft list under review and that, subject to appropriate consultation, it will be amended. It is likely that the eventual list will be considerably more specific than the draft and that it will be updated on a regular basis.
D3.6	Heart of London Business Alliance	We look forward to responding to the Planning Obligations SPD in due course and would prefer outstanding questions on planning obligations to be fully resolved before charging commences which may require a later implementation date	Noted.

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		for Westminster's CIL.	
D3.6	Heart of London Business Alliance	Our property owners strongly favour all payments in our BID areas being ring-fenced for local use but we recognise that it would conflict with the nature and intention of the CIL. However, 15% of payments should be spent in the local area as neighbourhood portion. We would welcome further discussion with the council about how this will be allocated, including the possibility of using the existing BID boundaries to define our local neighbourhood.	The Government does not prescribe a process for agreeing how the neighbourhood proportion of funding should be spent. However, working with designated neighbourhood forums (including the 7 designated as business neighbourhoods) which have prepared/ are preparing a plan to agree priorities and engagement with other local neighbourhood groups – including business groups - will be an important part of this process.
D3.7	Great Western Developments (represented by Dentons)	The council's proposed adoption of the various discretionary reliefs is welcomed. GWD's support of the draft CIL rates is based on an assumption that the relief and instalment policies will be applied appropriately to facilitate development.	Noted
D3.7	Great Western Developments Limited (represented by Dentons)	The council's proposed adoption of an instalment policy is welcomed. GWD's support of the draft CIL rates is based on an assumption that the relief and instalment policies will be applied appropriately to facilitate development.	Noted
D3.7	Great Western Developments Limited (represented by Dentons)	In Westminster most developments will contain a mix of uses, and that has the potential to create uncertainty about the rate that will be applied to shared areas, such as servicing and parking. Best practice is emerging which excludes this ancillary floorspace from the definition of "Residential"	Further clarification has been sought on 'best practice' in relation to ancillary areas. However, this proposals relates to the application of the Regulations themselves rather than to Westminster's Charging Schedule.

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		and "Commercial" for the purposes of calculating the charge. This would be consistent with the viability analysis.	
D3.7	Great Western Developments Limited (represented by Dentons)	The area adjacent to Paddington Station will be the subject of significant redevelopment proposals over the course of the next decade. The developments will need to make significant direct transport and public realm contributions. Given these costs there is a case for the area bounded by London Street, Praed Street and Paddington Basin to be categorised as a fringe area, with lower CIL rates applying accordingly.	There is no viability evidence to suggest strategic sites in general, or Paddington Basin in particular, are not viable and therefore no reasonable basis for zero rating these sites in the context of the CIL Regulations 2010 (as amended)
D3.8	Grosvenor	Grosvenor welcomes the principle of a reduction in commercial office rates, from those proposed previously in the Preliminary Draft Charging Schedule.	Noted
D3.8	Grosvenor	Grosvenor Crescent and Belgrave Square should be included within the Core, rather than Prime, commercial zone. The boundary of the Core area is aligned the Core CAZ, but this reflects a land use, rather than value, distinction. Belgrave Square's inclusion within the Core CAZ principally arises for historic reasons and there is little to distinguish commercial values in Belgrave Square from the remainder of Belgravia (which is designated as Core).	There is no viability evidence to suggest that Belgrave Square should be reallocated from the Prime to the Core zone – available evidence suggests it is properly located. Use of the CAZ boundary, and what it implies about the type of uses there, is relevant to questions of land value and viability, so it is incorrect to suggest that it is simply a policy-based distinction.
D3.8	Grosvenor	Land between Eccleston Place and Ebury Street is	There is no viability evidence to suggest these areas

Respondent number	Respondent	Comment	WCC response and proposed action
		more akin to Belgravia than Victoria and should be within the Core, rather than Prime, commercial designation.	should be in a lower charging band and therefore no basis for amending the charging schedule in the context of the CIL Regulations 2010 (as amended)
D3.8	Grosvenor	For reasons of consistency, the residential boundary should be amended so that the whole of Grosvenor Gardens is Core rather than part Prime/part Core as at present. The area between Buckingham Palace Road and Ebury Street, which falls within the Victoria BID footprint, should also be Core rather than Prime.	There is no viability evidence to suggest these areas should be in a lower charging band and therefore no basis for amending the charging schedule in the context of the CIL Regulations 2010 (as amended)
D3.8	Grosvenor	In order to encourage mixed uses, including space for start-up businesses, the draft Charging Schedule should provide for reduced rates or additional relief to be made available depending on the nature of the retail offer. To support the continued delivery of smaller retail units especially within higher value areas, proposals for new retail units below 150sqm within the Prime area should be charged at the lower, Core, rate (that is, £150/sqm rather than £200/sqm).	There is no viability evidence to suggest this type of development has different viability characteristics in Westminster and therefore no basis for amending the charging schedule in the context of the CIL Regulations 2010 (as amended)
D3.8	Grosvenor	Grosvenor supports the proposed £0/sqm charging rate for 'all other uses'. There are a large number of unusual or unique sui generis type uses within Westminster; ensuring such uses are not required to make extensive Westminster CIL contributions will support their re-provision or retention within the City.	Noted

Respondent number	Respondent	Comment	WCC response and proposed action
D3.8	Grosvenor	<p>Grosvenor has an established track record of delivering world-class public realm and the council's public realm credit system has supported the creation of these spaces.</p> <p>Grosvenor wishes to continue to build upon this success, to ensure that a simple and transparent system is developed that would continue to allow for the early delivery of public realm projects, in advance of CIL payments being received. We support the emerging suggestions contained within both the council's consultation document, and within WPA's (respondent reference 3.1) representations, of a system of whereby CIL payments could be made in advance, potentially combined with refunds of CIL payments where landowners undertake public realm works in kind in advance.</p>	<p>Noted. These issues are under consideration in developing proposals for governance of the Westminster CIL.</p>
D3.8	Grosvenor	<p>Developing a public realm credit system [in a CIL context] depends on producing a more specific Regulation 123 list that would clearly identify which particular named projects would be eligible for advance delivery and that would, critically, include the West End Partnership's (WEP) infrastructure priorities.</p>	<p>These issues are under consideration in developing proposals for governance of the Westminster CIL.</p>
D3.8	Grosvenor	<p>The governance arrangements that would allow for this list to be updated and new projects added, in conjunction with landowners and developers, as well as, potentially, the BIDS and neighbourhood forums, need to be defined in</p>	<p>The process for developing the final list of projects or infrastructure types to be funded through CIL is still being developed. It is likely to include a process of consultation with neighbourhoods, businesses and their representative organisations (including business</p>

Respondent number	Respondent	Comment	WCC response and proposed action
		advance of CIL charges being levied. This governance, together with WEP's focus, should seek the most efficient allocation of funds.	improvement districts), infrastructure providers (such as Transport for London) and others. It will result in a list to be published under regulation 123 of the CIL Regulations which is likely to be kept under regular review.
D3.8	Grosvenor	The composition of the 'Infrastructure Board' is unclear, as is its future role in determining CIL projects and priorities. Grosvenor considers that, to ensure broad support for the use of CIL, the Board - or any alternative governance arrangements that may evolve - should include representation from the BIDs, the Neighbourhood Forums and the developer community.	These issues are under consideration in developing proposals for governance of the Westminster CIL.
D3.8	Grosvenor	There is a very clear value distinction between residential units sold individually on the open market and the value of units provided as PRS. This has been recognised by the council when considering developments proposing PRS accommodation, where covenants to secure the tenure type have been provided, in viability discussions. We therefore consider that PRS accommodation should be treated separately within the CIL Charging Schedule, with a minimum discount of 25% from the relevant conventional residential rate for that zone, reflecting the difference in GDV between the products.	No viability evidence has been provided to show that a reduced rate for private rented housing would be justified. Market monitoring suggests this is not a form of development that faces viability challenges in Westminster.

Respondent number	Respondent	Comment	WCC response and proposed action
D3.8	Grosvenor	The council's decision to 'switch on' all reliefs available, including is supported and will contribute to ensuring that CIL in Westminster can be implemented fairly and flexibly.	Noted.
D3.8	Grosvenor	The instalment policy suggested by WPA is supported	Noted, the council intends to develop its own instalment policy and will consider the proposals for an instalment policy put forward by Westminster Property Association.
D3.8	Grosvenor	Whilst we recognise that liability to pay CIL is determined by the CIL Regulations the text set out could be amended to clarify that, generally, liability to CIL will not arise as a result of use swaps, where there is no increase in floor space (assuming that the existing floor space satisfies the vacancy test).	Noted. This point will be considered in preparing explanatory material to support the Westminster CIL.
D3.9	Victoria Bid	Victoria BID welcomes the CIL Charging Schedule in Westminster. The Community Infrastructure Levy is more certain and transparent than the system of planning obligations which causes delay as a result of lengthy negotiations.	Noted.
D3.10 (LATE)	The Church Commissioners (represented by Deloitte)	The Hyde Park Estate is included within the 'Core' zone which could have a detrimental impact on the viability of any development that the Hyde Park Estate would be likely to carry out particularly as the majority of development that is likely to be relatively small scale i.e. extensions	No viability evidence has been brought forward to support this argument or to justify a reduced rate for the Hyde Park Estate.

Respondent number	Respondent	Comment	WCC response and proposed action
		and infill development.	
D3.10 (LATE)	The Church Commissioners (represented by Deloitte)	Development comprising residential extensions or residential annexes may qualify for an exemption to pay CIL. We want to ensure any proposed extensions or annexes to their existing residential units would qualify for this exemption even where a new unit is created	The provisions relate to the application of the national CIL Regulations over which the council has no discretion. These comments are not strictly relevant to the rates proposed.
D3.10 (LATE)	The Church Commissioners (represented by Deloitte)	A payment in kind mechanism and public realm mechanism is strongly to acknowledge public realm improvements being carried out by developers and land owners, not just to the identified Sussex Gardens but other areas of public realm within the Estate.	Noted
D3.11	London Fire and Emergency Planning Authority (represented by Dron Wright Property Consultants)	The LFEPA intend to refurbish Soho Fire Station and redevelop Paddington Fire Station. Fire fighting facilities to be specific acknowledged as costs falling within the council consideration for funding via CIL.	The process for developing the final list of projects or infrastructure types to be funded through CIL is still being developed. It is likely to include a process of consultation with infrastructure providers (including the London Fire and Emergency Planning Authority), neighbourhoods, businesses and their representative organisations (including business improvement districts), and others. It will result in a list to be published under regulation 123 of the CIL Regulations which is likely to be kept under regular review.
D4.1	The Royal Borough of Kensington & Chelsea	The council would like to raise no objection to the DCS.	Noted
D5.1	Dr Paul Zuckerman	Concerned that Churchill Estate area is identified	Under the CIL Regulations development viability is the

Respondent number	Respondent	Comment	WCC response and proposed action
		<p>Fringe area for Residential development – especially given close proximity to the Core area and Prime area.</p> <p>This to do with the tentative plans to redevelop part of the Churchill Estate – which would mean a major disruption to residents.</p>	<p>sole criterion that can be taken into account. As a result, decisions about charging zones are based on evidence of development viability essentials. The Churchill Gardens area has been placed in the Fringe zone based on evidence of residential sales values in the relevant area when compared with those elsewhere in Westminster. The designation does not affect planning policies governing development in the area.</p>
D5.2	P Brett	<p>Concerned that Churchill Estate area is identified Fringe area for Residential development as values are going up and – especially given close proximity to the Core area and Prime area. It is inconsistent with the commercial plan where the area is marked Prime Area</p> <p>There is no justification other than for your regeneration plans you have in the pipeline.</p>	<p>Under the CIL Regulations development viability is the sole criterion that can be taken into account. As a result, decisions about charging zones are based on evidence of development viability essentials. The Churchill Gardens area has been placed in the Fringe zone based on evidence of residential sales values in the relevant area when compared with those elsewhere in Westminster. Residential values differ from commercial ones, which is why the maps for commercial and residential uses are not identical. The designation does not affect planning policies governing development in the area.</p>
D5.3	Alicia Eykyn	<p>There is no reason for downgrading our small area of Churchill Gardens to 'Fringe' when it is, according to your Schedule, completely surrounded by 'Core' and very close indeed to 'Prime'; the position of Churchill Gardens better placed than many parts of the 'Core' area and many parts of the Core area also include council Housing Estates.</p>	<p>Under the CIL Regulations development viability is the sole criterion that can be taken into account. As a result, decisions about charging zones are based on evidence of development viability essentials. The Churchill Gardens area has been placed in the Fringe zone based on evidence of residential sales values in the relevant area, which are on average lower than those in areas within the Prime or Core zones.</p>

Respondent number	Respondent	Comment	WCC response and proposed action
		This is to encourage developers to take advantage of this area to the detriment of those who live here.	Residential values differ from commercial ones, which is why the maps for commercial and residential uses are not identical. The designation does not affect planning policies governing development in the area.
D5.4	Mrs Vary Rushton	Concerned to learn that the council seems to have plans to redevelop the area. Darwin house is included it is noted this land was sold to the council by the church because of the use you were putting it to.	Under the CIL Regulations development viability is the sole criterion that can be taken into account. As a result, decisions about charging zones are based on evidence of development viability essentials. The Churchill Gardens area has been placed in the Fringe zone based on evidence of residential sales values in the relevant area when compared with those elsewhere in Westminster. The designation does not affect planning policies governing development in the area.
D5.5	Peter Hughes	The decision to designate Churchill Gardens is not justified and is to encourage development to the detriment of residents. There is a lack of transparency.	Under the CIL Regulations development viability is the sole criterion that can be taken into account. As a result, decisions about charging zones are based on evidence of development viability essentials. The Churchill Gardens area has been placed in the Fringe zone based on evidence of residential sales values in the relevant area when compared with those elsewhere in Westminster. The designation does not affect planning policies governing development in the area.
D5.6	Joanna O'Sullivan	It is unclear why the land and river surrounding Churchill Gardens Estate has been deemed less valuable than other parts. How was this estate valued differently than other surrounding areas	The Churchill Gardens area has been placed in the Fringe zone based on evidence of residential sales values in the relevant area, which are on average lower than those in areas within the Prime or Core

Respondent number	Respondent	Comment	WCC response and proposed action
		along the river?	zones, including those along the river.
D5.7	Paddington Waterways & Maida Vale Society and Little Venice Neighbourhood Area	Where a neighbourhood forum is not established, the existing Amenity bodies and Neighbourhood Areas instead be consulted.	The Government does not prescribe a process for agreeing how the neighbourhood proportion of funding should be spent. However, working with designated neighbourhood forums which have prepared/ are preparing a plan to agree priorities and engagement with other local neighbourhood groups – such as existing amenity bodies - will be an important part of this process.
D5.8	Knightsbridge Neighbourhood Forum	Wanting direct involvement in decisions about CIL spending is the <i>raison d'être</i> of Knightsbridge neighbourhood forum the Charging Schedule and supporting material should be amended to state explicitly that decisions on how such 15/25% amounts will be agreed with designated Neighbourhood Forums in advance.	The Government does not prescribe a process for agreeing how the neighbourhood proportion of funding should be spent. However, working with designated neighbourhood forums which have prepared/ are preparing a plan to agree priorities and engagement with other local neighbourhood groups will be an important part of this process.
D5.9	Churchill Gardens Lessees Association	We have strong objections to the Estate's designation as a "fringe" area in the council's proposals for CIL residential charging zones. The rationale. For the commercial zoning is clear. But the Residential zoning appears inconsistent and may lead to challenges through judicial review. Churchill Garden's is the only estate in south Westminster so assessed.	Under the CIL Regulations development viability is the sole criterion that can be taken into account. As a result, decisions about charging zones are based on evidence of development viability essentials. The Churchill Gardens area has been placed in the Fringe zone based on evidence of residential sales values in the relevant area when compared with those elsewhere in Westminster. Residential values differ from commercial ones, which is why the maps for commercial and residential uses are not identical. The designation does not affect planning policies

Respondent number	Respondent	Comment	WCC response and proposed action
			governing development in the area. The proposals have been developed in accordance with the relevant legislation, and the council is satisfied that there are no grounds for judicial review of this matter – the examination of the DCS is the appropriate forum for discussion of this issue.
D5.9	Churchill Gardens Lessees Association	It is unclear why a zonal assessment is based on existing property values rather than the value of the land (based on location & ambience) together with the nature (quality & cost) of the proposed new development. Old-style council housing, with its controlled rents and security of tenure appears to be a thing of the past so it is unreasonable to zone future developments on such a valuation basis.	The assessment has been based on commonly used methodologies for assessing development viability, which take current values as the starting point. They have been confirmed by publicly available information about prices sought for all types of property in the area.
D5.9	Churchill Gardens Lessees Association	There are a number of reasons why residential development should not be permitted [on the Churchill Gardens Estate] including its historic and architectural importance. Further residential development should be discouraged or not permitted.	These are not matters that can be taken into account in setting proposed CIL rates under the legislation as they do not relate to development viability. Adoption of a charging schedule will not alter the strategic policies that will be taken into account in taking decisions on development proposals.
D5.10	Soho Neighbourhood Forum	We ask for confirmation that in the Soho Neighbourhood Area (SNA) the council will engage with the SNF and agree with it in advance how 15% (as capped in the regulations) of the monies generated within the SNA are to be spent. If it is necessary to amend the DCS to make this clear then we also request that such	The Government does not prescribe a process for agreeing how the neighbourhood proportion of funding should be spent. However, working with designated neighbourhood forums which have prepared/ are preparing a plan to agree priorities and engagement with other local neighbourhood groups will be an important part of this process.

Respondent number	Respondent	Comment	WCC response and proposed action
		amendments are made so that this happens consistently across the City.	
D5.11	Fitzrovia Neighbourhood Forum	There should be an outline of how all CIL moneys are to be spent to enable comment on the value of CIL. It is noted the legislation requires the Local Authority to consult with and agree with established Neighbourhood Forums a) the proportion of CIL that is spent in each area and b) what that money is spent on. Fitzrovia is suffering extreme pressure from development and recent permissions have provided little if any community benefit. CIL is part of the recompense for areas that suffer development.	The Government does not prescribe a process for agreeing how the neighbourhood proportion of funding should be spent. However, working with designated neighbourhood forums which have prepared/ are preparing a plan to agree priorities and engagement with other local neighbourhood groups will be an important part of this process.
D5.12	Wycliffe Stutchbury	Object to 'isolated and illogical' placement of the Churchill Gardens estate in the fringe zone. If the fact that it is social housing has contributed to its designation, why has the stretch between Aylesford St and Vauxhall Bridge Road or the area between Warwick Way and Buckingham Palace Road not been identified as fringe? Churchill Gardens is more valuable as it is located directly opposite the Nine Elms development, with all that that entails. The disparity between the residential and commercial zones reveals the motive to attract development within the site which will impact on the quality of life for resident. There is significant social, amenity and architectural value held within the estate.	Under the CIL Regulations development viability is the sole criterion that can be taken into account. As a result, decisions about charging zones are based on evidence of development viability essentials. The Churchill Gardens area has been placed in the Fringe zone based on evidence of residential sales values in the relevant area when compared with those elsewhere in Westminster. Residential values differ from commercial ones, which is why the maps for commercial and residential uses are not identical. The designation does not affect planning policies governing development in the area. Adoption of a charging schedule will not alter the strategic policies that will be taken into account in taking decisions on development proposals.

Respondent number	Respondent	Comment	WCC response and proposed action
D5.12	Wycliffe Stutchbury	Will the appointment of this independent examiner be an open process?	Under the CIL, appointment of the examiner is a matter for the council. The legislation requires that the person appointed must be independent of the council and must have appropriate qualifications and experience. It is proposed to ask the Planning Inspectorate to nominate an examiner.
D5.13	The Westminster Society	The CIL rates are excessive especially in relation to residential space and may deter developers from creating new spaces in Westminster which would be contrary to the council's "growth" objectives.	No viability evidence has been brought forward to support this suggestion. Conversely, the council's viability assessment shows that the rates proposed should not have this kind of deterrent effect. It is likely that provision of infrastructure funded by CIL will support growth and that overall, its effect will be positive.
D5.13	The Westminster Society	More clarity is required in relation to discretionary reliefs. The information on reliefs in the Charging Schedule (section 3 explanatory notes). The automatic granting of relief for affordable/ social housing should be the norm.	The circumstances in which social housing relief is granted is set out in national regulations. Further explanatory information about discretionary reliefs and their application will be made available.
D5.14	Tom Ball	The definition of Churchill Gardens Estate as a 'Fringe Area' is misplaced and should be reconsidered immediately. It is significant that the area of land is almost exclusively owned by Westminster Council indicating bias, if not ulterior motive. There has been negative performance of the council towards the Estate - and a lack of engagement with residents in decision making. The 'great asset' and architectural significance of the Estate should be	Under the CIL Regulations development viability is the sole criterion that can be taken into account. As a result, decisions about charging zones are based on evidence of development viability essentials. The Churchill Gardens area has been placed in the Fringe zone based on evidence of residential sales values in the relevant area when compared with those elsewhere in Westminster, using publicly available information about prices sought for all types of property in the area. Adoption of a charging schedule

Respondent number	Respondent	Comment	WCC response and proposed action
		recognised.	will not alter the strategic policies that will be taken into account in taking decisions on development proposals.
D5.15	Churchill Gardens Residents Association John Wyatt Chair	Churchill Gardens should be removed from the Fringe area. Other housing estates in south Westminster are included in the Core area Residential CIL Charging Zones and Churchill Gardens has no similarities with other 'fringe' in the north of the borough in terms of the residential housing stock or population. The inclusion of Churchill Gardens Estate in the cheaper zone has led to local anxiety about the council's motivations and concerns about its regeneration plans.	Under the CIL Regulations development viability is the sole criterion that can be taken into account. As a result, decisions about charging zones are based on evidence of development viability essentials. The Churchill Gardens area has been placed in the Fringe zone based on evidence of residential sales values in the relevant area when compared with those elsewhere in Westminster, using publicly available information about prices sought for all types of property in the area. Adoption of a charging schedule will not alter the strategic policies that will be taken into account in taking decisions on development proposals.
D5.15	Churchill Gardens Residents Association John Wyatt Chair	Social Housing delivery through Section 106 has been an accepted part of development for a number of years and we are concerned that the introduction of a CIL – and phasing out of S106 - will interrupt this.	The council's evidence about the potential effects on development viability of its proposed CIL rates have assumed delivery of levels of affordable housing required by the City Plan. It shows that they should not have the effect on delivery suggested.
D5.16	Knightsbridge Residents Management Association (represented by Turley)	National Planning Policy Guidance requires the council to agree – not just consult with neighbourhood forums and the council's emerging 'Planning obligations Supplementary Planning Document (para 2.13) and Information and Evidence to support the development of Westminster's DCS (para 2.1) are inconsistent in	The Government does not prescribe a process for agreeing how the neighbourhood proportion of funding should be spent. However, working with designated neighbourhood forums which have prepared/ are preparing a plan to agree priorities and engagement with other local neighbourhood groups will be an important part of this process.

Respondent number	Respondent	Comment	WCC response and proposed action
		this respect.	
D5.16	Knightsbridge Residents Management Association (represented by Turley)	When Neighbourhood Forums have been designated they have already been accepted as the representative organisation for their neighbourhood area and so decisions about how to spend 15% (or when a Neighbourhood Plan is in place) 25% of the CIL receipts collected in that area must be agreed with the designated forum specifically and, for clarity, with no other organisation.	The Government does not prescribe a process for agreeing how the neighbourhood proportion of funding should be spent. However, working with designated neighbourhood forums which have prepared/ are preparing a plan to agree priorities and engagement with other local neighbourhood groups will be an important part of this process.
D5.17	South East Bayswater Residents' Association	National Planning Policy Guidance requirement to 'agree' on how best to spend this funding. SEBRA supports the position that the council should not only consult but also agree with neighbourhood forums about uses of these retained amounts of CIL.	The Government does not prescribe a process for agreeing how the neighbourhood proportion of funding should be spent. However, working with designated neighbourhood forums which have prepared/ are preparing a plan to agree priorities and engagement with other local neighbourhood groups will be an important part of this process.
D5.18	Knightsbridge Neighbourhood Forum	Amend the Charging schedule and supporting material to state explicitly that decisions on how this 15/25% will be spent will be agreed with designated Neighbourhood Forums in advance.	The Government does not prescribe a process for agreeing how the neighbourhood proportion of funding should be spent. However, working with designated neighbourhood forums which have prepared/ are preparing a plan to agree priorities and engagement with other local neighbourhood groups will be an important part of this process.
D5.19	Marylebone Forum	Paragraph 2.12 should be amended to include a statement that where a neighbourhood forum has been designated WCC has found that body	The Government does not prescribe a process for agreeing how the neighbourhood proportion of funding should be spent. However, working with

Respondent number	Respondent	Comment	WCC response and proposed action
		to be representative of the communities within that neighbourhood area and need only engage with that body in respect of reaching agreement on how best to spend the neighbourhood funding proportion.	designated neighbourhood forums which have prepared/ are preparing a plan to agree priorities and engagement with other local neighbourhood groups will be an important part of this process.

Appendix 2 Westminster Community Infrastructure Levy: Draft Charging Schedule (2015)

Planning Act 2008

Community Infrastructure Levy Regulations 2010 (as amended)

WESTMINSTER COMMUNITY INFRASTRUCTURE LEVY

DRAFT CHARGING SCHEDULE AND STATEMENT OF THE REPRESENTATIONS PROCEDURE

June 2015



SECTION ONE: INTRODUCTION

(For the avoidance of doubt, this section does not form part of the draft charging schedule)

Purpose of the Draft Charging Schedule (DCS)

Westminster City Council intends to levy a Community Infrastructure Levy (CIL) in Westminster. 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 as a result of development. Infrastructure funded through a Westminster CIL would be directed towards projects that the council, local community and neighbourhoods consider are required to help accommodate new growth from development.

This Draft Charging Schedule (DCS) sets out the City Council's proposals for charging a Westminster CIL, and is being published in accordance with regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended). It has been informed by responses to consultation on the preliminary draft charging schedule, issued for consultation in September 2014 and updated and expanded evidence (further details about this are given in the "Information and evidence to support the development of the City of Westminster's Draft Charging Schedule" document which has been published alongside the DCS). It is now being issued for a period of further public consultation before the City Council's proposals are submitted for a formal independent examination.

In accordance with regulation 16, the DCS is being published alongside the following associated documents which provide the "relevant evidence" base required to support the charging rates proposed in the DCS:

- Addendum to Westminster Infrastructure Plan Technical Assessment 2006-2026 (August 2014)
- Community Infrastructure Levy: Viability Assessment prepared for Westminster City Council by BNP Paribas Real Estate (June 2015)
- Draft regulation 123 list setting out the kinds of infrastructure that the City Council may choose to fund in whole or in part through a Westminster CIL
- Information and evidence to support the development of the City of Westminster's Draft Charging Schedule (June 2015)

Purpose of the Statement of Representations Procedure

Regulation 16 of the CIL Regulations requires the City Council to publish a "statement of the representations procedure" alongside the DCS. This sets out some specified information about the arrangements for making representations on the DCS; about participation in the formal examination of the City Council's proposals; and about registering interest in being notified by the Council about remaining steps in the process for setting Westminster's CIL.

This document

Section Two of this document comprises the Council's draft charging schedule. It contains the information required by regulation 12 of the Community Infrastructure Levy Regulations 2010 (as amended) namely:

- The name of the charging authority
- The rates at which the CIL is to be charged in the City Council's area
- An explanation of how the chargeable amount will be calculated
- Details of the dates on which the charging schedule will be approved and when it will take effect
- A statement that it has been issued and approved in accordance with Part 11 of the Planning Act 2008 (as amended) and the Community Infrastructure Levy Regulations 2010 (as amended).

Section Three contains some explanatory information to support the DCS.

Section Four comprises the Statement of Representations Procedure and local advertisement.

Date of Effect

The DCS has been published for public consultation. It has no effect at this stage in the process on the level of financial contributions that will be sought from development through the planning process. **It does not affect the operation of the Mayor of London's CIL within the City of Westminster which will continue to be levied and collected until such time as the Mayor of London decides to withdraw its current CIL Charging Schedule or replace it with a revised charging schedule.**

How to comment on this Draft Charging Schedule

The consultation on Westminster's DCS, and associated evidence based documents, will take place for a period of 6 weeks between **Friday 12th June 2015 and Friday 24th July 2015**. Comments are invited from local residents, businesses, voluntary organisations, adjoining London Boroughs, the Mayor of London and Transport for London, and any other bodies which represent the interests of persons carrying on business in Westminster. Comments should be received by the council by **1800 hours on Friday 24th July 2015**.

All of the consultation documents are available on the council's website at www.westminster.gov.uk/cil . Comments on the DCS and supporting evidence can be made by email to cil@westminster.gov.uk or in writing to the following address:

CIL Consultation, Policy, Performance and Strategy, 19th Floor, City Hall, Westminster City Council, 64 Victoria Street, London, SW1E 6QP

Paper copies of the DCS and other relevant documents and alternative formats are available on request at cil@westminster.gov.uk or by telephoning 020 7641 3052. They can also be viewed on request at the council's offices at the above address or at the following libraries in Westminster:

- Mayfair Library 25 South Audley Street, London W1K 2PB
- Charing Cross Library 4-6 Charing Cross Road, London WC2H 0HF
- Victoria Library 160 Buckingham Palace Rd, London SW1W 9UD
- Pimlico Library Pimlico Academy, Lupus Street, London SW1V 3EY
- Westminster Reference Library 35 St. Martin's Street, London WC2H 7HP
- Westminster Archive Centre 10 St Ann's Street, London SW1P 2DE
- Paddington Library Porchester Road, London W2 5DU
- Queens Park Library 666 Harrow Road, London W10 4NE
- St John's Wood Library 20 Circus Road, London NW8 6PD
- Marylebone Library Macintosh House, 54 Beaumont Street, London, W1G 6DW
- Maida Vale Library Sutherland Avenue, London W9 2QT
- Little Venice Sports Library 10 Compton Street, London W2 1ND
- Church Street Library 67 Church Street, London NW8 8EU

SECTION TWO: DRAFT CHARGING SCHEDULE

WESTMINSTER CITY COUNCIL PLANNING ACT 2008 (AS AMENDED) COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (AS AMENDED)

DRAFT CHARGING SCHEDULE

The Charging Authority

Westminster City Council is a charging authority for the purposes of Part 11 of the Planning Act 2008 (as amended) and may therefore charge the Community Infrastructure Levy in respect of development in the City of Westminster.

Rates

Westminster City Council intends to charge the Community Infrastructure Levy at the rates shown in Table 1 (expressed as pounds per square metre) in respect of the different types of development in each of the Charging Zones identified in Westminster, as shown on the maps in Appendix 1. **It is important to note that there are different zones for each type of land use identified as being chargeable in Table 1.**

Table 1: Proposed Westminster CIL charging rates (per square metre)

Area	Prime	Core	Fringe
Residential (including all residential 'C' use classes)	£550	£400	£200
Commercial (offices; hotels, nightclubs and casinos; retail (all 'A' use classes and sui generis retail))	£200	£150	£50
All other uses	Nil		

The amount to be charged for each development will be calculated in accordance with regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended) or any provision which amends or replaces it for the purpose of calculating the chargeable amount of CIL payable. For these purposes, the relevant rate (R) is the rate for each land use and charging zone shown in Table 1 above.

This Schedule has been issued, approved and published in accordance with Part 11 of the Planning Act 2008 and the Community Infrastructure Regulations 2010 (as amended).

This Schedule was approved by the Council of the City of Westminster on **TO BE INSERTED ON APPROVAL TO ADOPT A WESTMINSTER CHARGING SCHEDULE** and takes effect on **TO BE INSERTED**

SECTION THREE: DRAFT CHARGING SCHEDULE: EXPLANATORY NOTES

(For the avoidance of doubt, this section does not form part of the draft charging schedule)

Liability to pay CIL

A chargeable development, for the purposes of determining a CIL liability, is the development for which planning permission is granted. This includes development where planning permission is granted by way of a general consent if it is of a sufficient scale or type which would trigger liability to pay CIL.

CIL will be chargeable on most development of buildings that include an increase of new build floorspace of 100 square metres or more of gross internal (GIA) floorspace. For developments that comprise a residential dwelling the amount of new build floorspace is irrelevant as liability to pay CIL is triggered on any scheme that comprises a residential dwelling whether this is from new build or existing floorspace (although development comprising residential extensions or residential annexes may in some circumstances qualify for an exemption to pay CIL). Notwithstanding, providing that a building has not been left vacant the GIA of any existing buildings on the site which are due to be demolished, or which will form part of the new development, would normally be deducted from the chargeable area (See Regulation 40 of the CIL Regulations 2010 (as amended)).

CIL will not be payable in respect of development that comprises buildings in to which people do not normally go, buildings in to which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery and structures which are not buildings such as pylons and wind turbines.

Exemptions, reliefs and payment flexibilities

Relief from payment of the levy can be granted for certain forms of development. In some cases these are mandatory exemptions (for development by charities for charitable purposes, domestic extensions or annexes, for example) or reliefs (for social housing, for instance), all of which must be applied for to the charging authority. There are also a number of discretionary reliefs (for exceptional circumstances, certain types of affordable housing or development by charities for investment purposes, for example) and an option to allow payment of CIL in kind through either the transfer of land or delivery of infrastructure that CIL was intended to fund. The Council must decide whether to make these discretionary provisions available in their area and publish a policies about how they would be implemented. The Council is currently intending to make all of these discretionary reliefs and in-kind payment provisions available.

Calculating the chargeable amount

The amount to be charged for each development will be calculated in accordance with regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended). For the purposes of the formulae in paragraph 5 of regulation 40, the relevant rate (R) is the rate for each specified use in the allocated charging zone as shown in the DCS and map at Appendix 1.

Charging Zones

The charging zones shown in the maps forming part of the draft charging schedule, and included as Appendix 1, reflect the differing development viability conditions in different parts of the City of Westminster, informed both by the Viability Assessment produced by BNP Paribas Real Estate and by the Council's own monitoring of development trends and transactions in different parts of its area. In general, the principle has been adopted of identifying "prime" areas where the viability fundamentals are particularly strong for each type of development, a "core" area, and then an area where development essentials are comparatively less robust. It has not proved possible to produce common charging areas for all uses; although this option was examined the viability evidence available suggested that this would have unnecessarily constrained the Council's ability to secure infrastructure funding from CIL.

How a Westminster Community Infrastructure Levy will be used

The City Council will use the sums collected to fund the provision, improvement, replacement, operation or maintenance of infrastructure required to support the development of its area in accordance with the policies set out in its local plan (Westminster's City Plan: Strategic Policies, the saved policies in City's Unitary Development Plan and the Mayor of London's London Plan). It will outline the infrastructure projects or types of infrastructure it intends will or may be funded wholly or in part by CIL in a list that will be published alongside the charging schedule.

Things on this list, formally published under regulation 123 of the CIL Regulations, may be funded through CIL. Infrastructure not on the list will in general continue to be secured through section 106 planning obligation agreements where appropriate.

This list will form part of the "relevant evidence" base to inform the examination and adoption of the City Council's charging schedule. It will be informed by the council's infrastructure planning and will underpin a supplementary planning document (SPD) which will set out the council's intended future use of section 106 planning obligation agreements, highway agreements under section 278 of the Highways Act 1980 and other planning mechanisms. This will be published for consultation shortly. The list and the SPD will be kept under regular review and may be altered from time to time, subject to appropriate local consultation.

The City Council is developing proposals for the governance of its CIL, including arrangements for overseeing collection; taking decisions on spending; monitoring and reporting; and keeping the CIL rates, regulation 123 list and availability of discretionary reliefs under review. Further details will be published in due course.

Indexation

Cost changes are taken into account when the chargeable amount is calculated as set out in regulation 40 of the CIL Regulations, by reference to the national All-in Tender Price Index figure published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors for 1 November of the preceding year. In practice, the BICS initially publishes a forecast figure, which may then be revised before a final figure is published. As set out in the Mayor of London's Supplementary Planning Guidance on Crossrail (2013), Westminster will apply indexation on the basis that until a final figure for the period including 1 November of the preceding year is published, the relevant figure is the most recent "final" one.

Instalments

Under the CIL Regulations, the council can decide to put in place a policy allowing payment of CIL by instalment. Such a policy must state the date from which it will operate, the number of instalment payments allowed, the amount or proportion of CIL to be paid in each instalment, the time (to be calculated from the date the development concerned is commenced) that the first instalment and any subsequent instalment is due and any minimum amount of CIL below which payment may not be made by instalment. This is a matter solely for the council to decide. It can put a policy in place, replace its policy or withdraw it at any time after it has adopted a CIL. Instalment policies need not be examined as part of the process for setting the CIL.

The council is considering what instalments policy, if any, it will apply. In doing so it will have regard to the instalments policy adopted by the Mayor of London which allows payment in two instalments where the payable amount of CIL is £500,000 or more, with the first instalment being the greater of £500,000 or half the total amount and the second (not more than 240 days after commencement) of the remainder.

Date of Approval

Westminster City Council's Cabinet Member for Built Environment approved the publication of this Draft Charging Schedule for the purposes of public consultation on 4th June 2015.

Legislation

This draft charging schedule has been published in accordance with Part 11 of the Planning Act 2008 and the Community Infrastructure Regulations 2010 (as amended).

Further Information

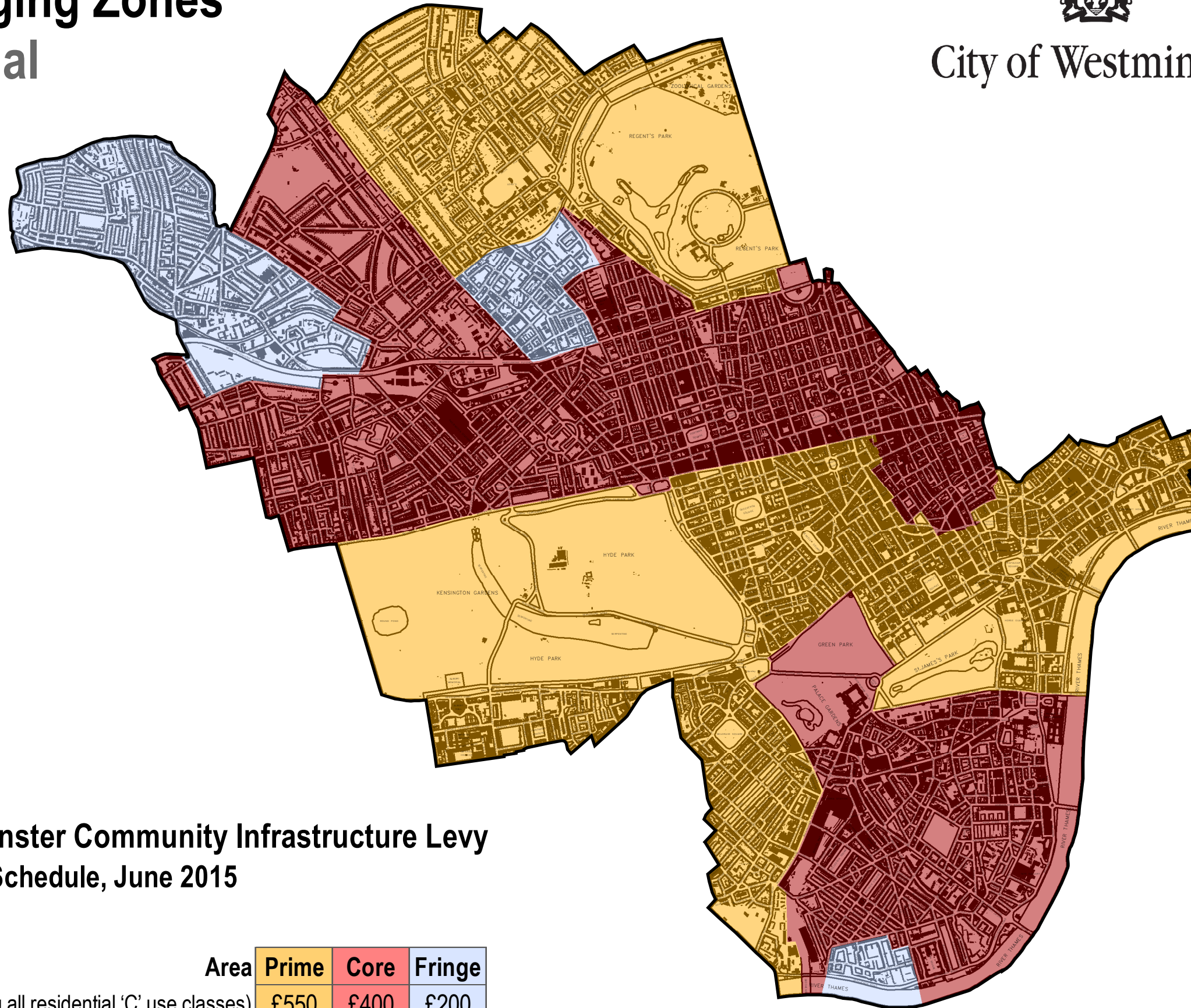
Further background information on the Community Infrastructure Levy, and on the council's development of a DCS, is available in the published document 'Information and evidence to support the development of the City of Westminster's Draft Charging Schedule (June 2015)'. Detailed guidance on CIL can also be found on the Government's National Planning Practice Guidance website pages (<http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>).

Appendix 1 – Westminster Community Infrastructure Levy Charging Zones

CIL Charging Zones Residential



City of Westminster



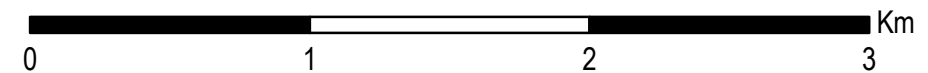
City of Westminster Community Infrastructure Levy Draft Charging Schedule, June 2015

Area	Prime	Core	Fringe
Residential (including all residential 'C' use classes)	£550	£400	£200

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NOT TO SCALE

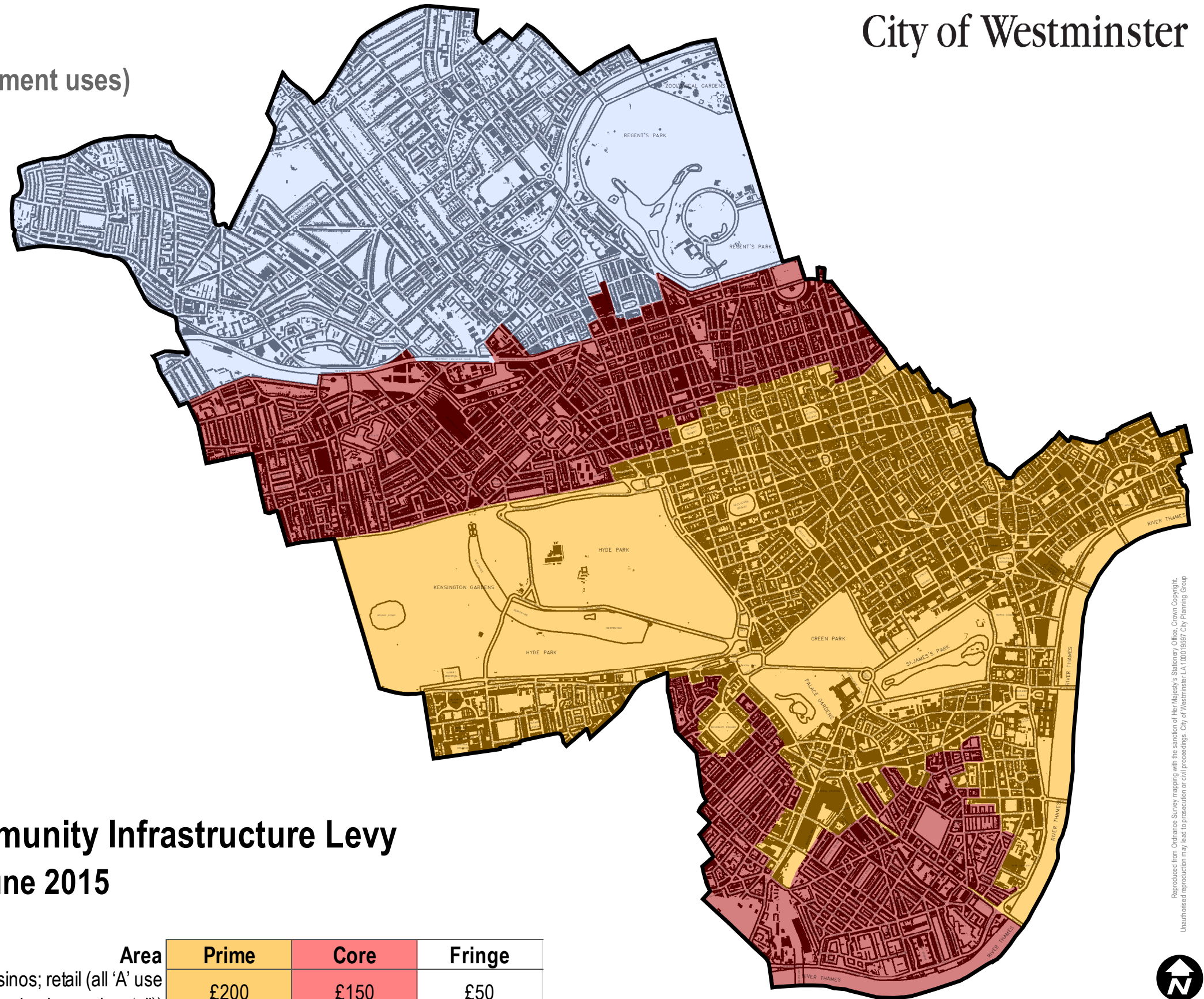


CIL Charging Zones Commercial Uses

(Office, hotel, retail and entertainment uses)



City of Westminster



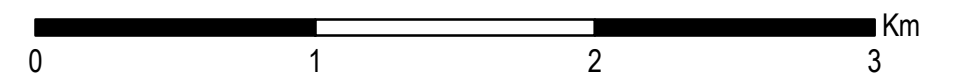
City of Westminster Community Infrastructure Levy Draft Charging Schedule, June 2015

Area	Prime	Core	Fringe
Commercial (offices; hotels; nightclubs and casinos; retail (all 'A' use classes and sui generis retail))	£200	£150	£50
All other uses	Nil	Nil	Nil

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SECTION FOUR: STATEMENT OF THE REPRESENTATIONS PROCEDURE

WESTMINSTER CITY COUNCIL PLANNING ACT 2008 (AS AMENDED) COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (AS AMENDED)

This statement is published for the purposes of regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended) and sets out the information relating to consultation and involvement in consultation on Westminster City Council's draft charging schedule (DCS) and remaining steps in the setting of CIL rates specified in regulation 16(2).

- a) **The period within which representations about the DCS must be made if they are to be submitted to the examiner for consideration at the examination of the DCS:** Representations must be made before **1800 BST on Friday 24th July 2015**
- b) **The address to which representations must be made:** Representations must be sent to:

CIL Consultation, Policy, Performance and Strategy, 19th Floor, City Hall, Westminster City Council, 64 Victoria Street, London, SW1E 6QP
- c) **Representations may be made in writing, or by way of electronic communications.**

Any representations made by means of electronic communications should be sent to:
cil@westminster.gov.uk
- d) **Persons making representations may request the right to be heard by the examiner.**
- e) **Representations may be accompanied by a request to be notified at a specified address of any (or all) of the following:**
- i) **that the DCS has been submitted to the examiner in accordance with section 212 of the Planning Act 2008 (as amended)**
 - ii) **the publication of the recommendations of the examiner and the reasons for those recommendations**
 - iii) **the approval of the charging schedule by the City Council as charging authority.**

Such requests should be sent to the address given in paragraph a) above or sent electronically to the address given at paragraph c) above.

All of the consultation documents are available to download on the council's website at www.westminster.gov.uk/cil

Paper copies of the Draft Charging Schedule and other relevant documents and alternative formats are available on request at cil@westminster.gov.uk or by telephoning 020 7641 2418.

Paper copies can also be viewed on request at the council's offices at the above address or at any of the public libraries in Westminster. A full list of these, with addressees, can be found at <https://www.westminster.gov.uk/library-opening-hours-and-contact-details>.

LOCAL ADVERTISEMENT

**WESTMINSTER CITY COUNCIL
PLANNING ACT 2008 (AS AMENDED)
COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (AS AMENDED)**

**NOTICE OF CONSULTATION ON WESTMINSTER'S DRAFT CHARGING SCHEDULE
(XXXXXXX 2015)**

Westminster City Council hereby gives notice for the purposes of regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended) of the arrangements for consultation on Westminster City Council's draft charging schedule (DCS) and involvement in the remaining steps in the setting of the rates at which it is proposed that the Community Infrastructure Levy will be chargeable in the City of Westminster.

- a) **The period within which representations about the DCS must be made if they are to be submitted to the examiner for consideration at the examination of the DCS:**
Representations must be made before **1800 BST on Friday 24th July 2015**
- b) **The address to which representations must be made:** Representations must be sent to: CIL Consultation, Policy, Performance and Strategy, 19th Floor, City Hall, Westminster City Council, 64 Victoria Street, London, SW1E 6QP
- c) **Representations may be made in writing, or by way of electronic communications.**
Any representations made by means of electronic communications should be sent to: cil@westminster.gov.uk
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Appendix 3Schedule of relevant evidence that has informed the preparation of
Westminster's Community Infrastructure Levy Draft Charging Schedule

- Addendum to Westminster's Infrastructure Plan Technical Assessment 2006-2026 (August 2014)
- Community Infrastructure Levy: Viability Assessment prepared for Westminster City Council (June 2015)
- Westminster's Draft Infrastructure List (Regulation 123 List) June 2015
- Information and evidence to support the development of the City of Westminster's Draft Charging Schedule (June 2015)
- Draft Supplementary Planning document: use of planning obligations and other planning mechanisms (August 2015)