

Annual Infrastructure Funding Statement



For Community Infrastructure Levy and Section 106
Reporting Period: From 01 April 2019 to 31 March 2020
Published: 31 December 2020



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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1. Introduction

- 1.1 The Infrastructure Funding Statement (IFS) is an annual report that the CIL Regulations¹ require to be published by December each year. The IFS provides a summary of the financial and non-financial developer contributions relating to Section 106 Legal Agreements (S106) and the Community Infrastructure Levy (CIL) within the Borough for the reporting year of 01 April 2019 to 31 March 2020.
- 1.2 It also includes a statement of infrastructure projects that the Council intends to be, or may be, wholly or partly funded by CIL.

¹ <https://www.legislation.gov.uk/ukxi/2019/1103/regulation/9/made>

2. Community Infrastructure Levy Matters

Community Infrastructure Levy (CIL) Regulations (2019 Amendment) Regulation 121A Schedule 2 Paragraph 1²

- a) The total value of demand notices issued in the reported period is **£5,352,842**.
- b) The total amount of Borough CIL (BCIL) collected within the reported period was **£5,420,204**. This includes CIL receipts where the demand notice was issued prior to the reported year and CIL payment was received within the reported year.
- c) The amount of BCIL collected prior to the reported period (up until 31 March 2019) totals **£13,923,976**. The total BCIL collected was collected in Cash and there were no Land Transactions (including payments in kind and infrastructure payments). **£470,000** of the BCIL has been allocated. **£2,123,581** has been allocated towards Neighbourhood CIL (NCIL) and **£696,199** towards BCIL admin. The following amounts remain unallocated:

Table 1. The amount of BCIL collected prior to the reporting year (up until 31 March 2020)

| Type | Received | Unallocated |
|---------------------|----------------|--------------|
| BCIL (Cash) | £13,923,975.77 | £ 10,634,196 |
| Land Payment | £0.00 | £0.00 |

- d) The total amount of BCIL collected prior to the reported period (up until 31 March 2019) allocated in the reported period (1 April 2019 to 31 March 2020) in relation to cash received is **£2,819,780**. Of this, **£2,123,581** is for Neighbourhood CIL (NCIL) and **£696,199** for BCIL Administration. In relation to land payments (including payments in kind and infrastructure payments) is **£0**.
- e) The total CIL expenditure recorded for the reported period is as follows:

² <https://www.legislation.gov.uk/ukdsi/2019/9780111187449/schedule/2>

Table 2. The amount of BCIL expenditure for the reported year (1 April 2019 to 31 March 2020)

| Type | Allocated | Expenditure |
|--------------------------|-----------|-----------------|
| BCIL | £470,000 | £0 |
| NCIL | £813,031 | £0 |
| BCIL Admin | £271,010 | £271,010 |
| CIL Land Payments | £0 | £0 |
| Total Expenditure | | £271,010 |

- f) The total amount of BCIL receipts, whenever collected (up until 31 March 2020), which were allocated but not spent during the reported period is as follows:

Table 3. The amount of BCIL allocated but not spent during the reported year (1 April 2019 to 31 March 2020)

| Type | Allocated | Spent | Remaining |
|-------------------|-----------|----------|-----------|
| BCIL | £470,000 | £0 | £470,000 |
| NCIL | £813,031 | £0 | £813,031 |
| BCIL Admin | £271,010 | £271,010 | £0 |
| CIL Land Payments | £0 | £0 | £0 |

- g) i) There has been no BCIL spending on items of infrastructure in the reported year.
- ii) The amount of BCIL spent on repaying money borrowed, including any interest, and details of the items of infrastructure which that money was used to provide (wholly or in part) is **£0**.
- iii) The amount of CIL collected towards administration expenses is **£271,010**. This was 5% of the total BCIL receipts collected (**£5,420,204.21**) in the reported period.

The amount of CIL spent on BCIL administration expenses during the reported year was **£271,010**. This was 5% of the total BCIL collected within the reported year.

Royal Borough of Kensington and Chelsea collects Mayoral CIL (MCIL) on behalf of the Mayor of London. During the reporting year **£119,624** was collected as administration for MCIL. Of this amount Royal Borough of Kensington and Chelsea has allocated **£119,624** towards administration expenses and all of this has been spent by Royal Borough of Kensington and Chelsea for the administration of collecting CIL on behalf of other charging authorities.

- h) Regarding BCIL collected and allocated within the reported year that has not been spent, summary details of what has been allocated, is remaining to be spent and what it has been allocated towards is as follows:

Table 4. Summary details of BCIL that has been allocated in the reported year (1 April 2019 to 31 March 2020) but not spent

| Item | Amount Allocated | Amount Unspent |
|---------------------------------|------------------|----------------|
| Growth and Delivery Team | £470,000 | £470,000 |

- i) i) The total amount of CIL passed to a parish council under regulation 59A or 59B is **£0**³. There are no parishes in the Borough.
- ii) BCIL has not been passed to a third party to spend on the provision, improvement, replacement, operation or maintenance of infrastructure under Regulation 59(4)⁴.
- j) i) The total collected for the reported year under Regulation 59E and under Regulation 59F was **£813,031**⁵. This relates to NCIL which is collected and retained by the Council as the Charging Authority.
- ii) The amount of BCIL allocated to items of infrastructure during the reported year under Regulation 59E and 59F during the reported year is **£0**. The Council undertook its first NCIL allocation round between June and August 2020. The allocations made will be reported in the next Infrastructure Funding Statement.

³ CIL Regulation 59A and 59B of the CIL Regulations 2013 (Amendment) - <https://www.legislation.gov.uk/ukxi/2013/982/regulation/8/made>

⁴ CIL Regulation 59(4) of the CIL Regulations 2010 - <https://www.legislation.gov.uk/ukxi/2010/948/regulation/59/made>

⁵ CIL Regulation 59E and 59F of the CIL Regulations 2013 (Amendment) - <https://www.legislation.gov.uk/ukxi/2013/982/regulation/8/made>

- k) i) and ii) The Council has not served any notices in accordance with regulation 59E as there are no parish council's in the Borough:
- l) i) The amount of BCIL collected in the reported year and retained at the end of the reported year is **£4,336,163**. This is BCIL not assigned for NCIL or BCIL Administration, and that had not been spent.
- ii) The amount of BCIL collected in previous years (up until 31 March 2019) and retained at the end of the reported year is **£11,104,196**. This is BCIL not assigned for NCIL or BCIL Administration, that had not been spent.
- iii) The amount CIL collected in the reported year and retained at the end of the reported year under Regulations 59E and 59F is **£813,031**. This relates to NCIL which is collected and retained by the Council as the Charging Authority. There are no parishes in the Borough therefore there was no CIL retained in respect of Regulation 59E.
- iv) The amount of CIL collected in previous years (up until 31 March 2019) and retained at the end of the reported year under Regulations 59E and 59F is **£2,123,581**.

3. Section 106 Matters

Community Infrastructure Levy (CIL) Regulations (2019 Amendment) Regulation 121A Schedule 2 Paragraph 3⁶

- a) The total amount of money to be provided under any planning obligations which were entered during the reported year is **£8,478,621**. This figure does not consider indexation (inflation/deflation) that may be applied when the money becomes due.
- b) The total amount of money under any planning obligations which was received during the reported year was **£3,862,786**. This figure includes indexation (inflation/deflation) that is applied when the money is paid.
- c) The total amount of money under any planning obligations which was received before the reported year (i.e. before 1 April 2019) that has not been allocated is **£26,062,551**.
- d) During the reported year the following non-monetary contributions have been agreed under planning obligations:
 - i) The total number of affordable housing units to be provided is **5**.
 - ii) There were no onsite education provisions agreed under s106 agreements.

Summary details of other non-monetary obligations agreed within the reported year are set out in a supplementary spreadsheet available at www.rbkc.gov.uk/CIL.

- e) The total amount of money from planning obligations allocated towards infrastructure during the reported year was **£2,724,145**. Of this amount **£2,3399,915** was not spent during the reported year.
- f) The total amount of money from planning obligations spent during the reported year was **£1,251,318**. Of this amount **£0.00** was spent by a third party on behalf of Royal Borough of Kensington and Chelsea.
- g) The following infrastructure items have had money allocated towards them during the reported year with unspent allocations:

⁶ <https://www.legislation.gov.uk/ukdsi/2019/9780111187449/schedule/2>

Table 5. The items of infrastructure planning obligations has been allocated and is unspent in the reporting year (1 April 2019 to 31 March 2020)

| Item | Allocated | Date Allocated | Unspent |
|---|------------------|-----------------------|----------------|
| Footway renewal on the west side of Freston Road | £34,063 | 12/04/2019 | £9,781 |
| Powis Square Gardens – redesign and redevelopment of the park | £67,359 | 24/04/2019 | £67,359 |
| New Build Permanent Additional Education Facilities, St Francis of Assisi RC Primary School | £550,002 | 25/04/2019 | £550,002 |
| Repair and re-siting of Gravity / Levity Sculpture | £5,763 | 16/05/2019 | £4,263 |
| Street lighting and removal of redundant Pay and Display machine on Alderson Street | £5,822 | 22/05/2019 | £5,822 |
| Safeguarding and expansion works, St Thomas More Secondary School | £300,000 | 17/05/2019 | £300,000 |
| Built environment careers and pathways for local secondary schools | £25,000 | 06/06/2019 | £8,423 |
| Expand classrooms at Ashburnham Primary School | £140,919 | 11/06/2019 | £140,919 |
| Upgrading street lighting on Old Church Street and Chelsea Manor Street. | £36,201 | 14/06/2019 | £36,201 |
| Creative Crossing on Kensington High Street | £52,902 | 09/07/2019 | £18,601 |
| Parklets on Kensington High Street | £2,789 | 16/08/2019 | £2,789 |
| Wornington Green and Holland Park School Bus Stop Countdown Screens | £76,005 | 14/11/2019 | £39,650 |
| Countdown sign outside Earl's Court Station Shelter No.0120/0127 Stop 11164 | £1,179 | 16/01/2020 | £1,179 |
| Dovehouse Green Hard and Soft Landscaping Improvements | £1,003,888 | 27/01/2020 | £1,003,888 |
| New combined education and youth and community provisions. | £157,276 | 27/01/2020 | £276 |
| Kensington Memorial Park outdoor gym equipment | £25,000 | 07/02/2020 | £10,410 |
| St Cuthbert's with Matthias Primary school living green Pollution screen | £16,123 | 12/02/2020 | £16,123 |
| Community Adventure Education and Play | £120,034 | 26/02/2020 | £120,034 |

- h) In relation to money which was spent by Royal Borough of Kensington and Chelsea during the reported year:
- i) The items of infrastructure that planning obligation money has been spent on and the amount spent are as follows:

*The table includes all s106 spending during the reported year, including from allocations made prior to the reported year, the expenditure may vary from allocations as any interest accrued has also been used.

Table 6. Summary details of in items of infrastructure that planning obligations has been spent on in the reporting year (1 April 2019 to 31 March 2020)

| Infrastructure | Spent | Date Spent | Spend Description |
|---|----------|------------|----------------------|
| Athlone Gardens park play area | £36,991 | 2019-20 | Open space & leisure |
| Footway renewal abutting development site at 8-10 Basing Street | £26,426 | 2019-20 | Highways |
| Chelsea Academy Acoustic Improvement | £6,598 | 2019-20 | Education |
| Chelsea Academy Sixth Form Extension | £556,864 | 2019-20 | Education |
| New combined education and youth and community provisions | £126,785 | 2019-20 | Education |
| New combined education and youth and community provisions. | £30,215 | 2019-20 | Education |
| Creative Crossing on Kensington High Street | £18,601 | 2019-20 | Public Art |
| De Vere Gardens public art sculpture | £5,000 | 2019-20 | Public Art |
| Public Art Advisor – Tideway Public Art | £2,000 | 2019-20 | Public Art |
| Wornington Green and Holland Park School Bus Stop Countdown Screens | £20,078 | 2019-20 | Transport and travel |
| Wornington Green and Holland Park School Bus Stop Countdown Screens | £15,980 | 2019-20 | Transport and travel |
| Wornington Green and Holland Park School Bus Stop Countdown Screens | £297 | 2019-20 | Transport and travel |
| Built environment careers and pathways for local secondary schools | £12,375 | 2019-20 | Economic development |
| Built environment careers and pathways for local secondary schools | £4,202 | 2019-20 | Economic development |
| s106 Funding 2019-20 Earl's Court Project Management | £120,582 | 2019-20 | Economic development |
| s106 Funding 2019-20 Economic Development Projects Officer | £45,315 | 2019-20 | Economic development |
| Employment support activity through FACES – Family and Community Employment Service | £13,984 | 2019-20 | Economic development |

| Infrastructure | Spent | Date Spent | Spend Description |
|---|---------|------------|----------------------|
| Highways works at 181-183 Warwick Road, Fenelon Place | £3,022 | 2019-20 | Highways |
| Highways works at Basing Street - Footway renewal abutting development site at 8-10 Basing Street | £2,144 | 2019-20 | Highways |
| Highways works at Aldridge House, Convent Gardens | £1,304 | 2019-20 | Highways |
| Highways works at Marlborough School, Sloane Avenue | £28,392 | 2019-20 | Highways |
| Highways works at 19-27 Young Street | £9,143 | 2019-20 | Highways |
| Radnor Walk Highways Works | £6,631 | 2019-20 | Highways |
| Highways works at 8 Lonsdale Road | £298 | 2019-20 | Highways |
| Highways works at 99-111 Freston Road – Freston Road Footway Renewal | £45,128 | 2019-20 | Highways |
| Highways works at Octavia House (3 locations) | £425 | 2019-20 | Highways |
| Street Tree Planting in Exmoor Street and St. Charles Square | £3,607 | 2019-20 | Green infrastructure |
| Kensington Memorial Park Sports Pitch Improvement project | £14,590 | 2019-20 | Open space & leisure |

- ii) Planning obligation money has not been spent on repaying money borrowed
- iii) **£153,886** of monitoring fees was received during the reporting year. The amount of planning obligation money spent in respect of administration of planning obligations and monitoring in relation to the delivery of planning obligations during the reported year was **£153,886**.
- i) The total amount of money retained at the end of the reported year (up until 31 March 2020) is **£29,954,992**. Of this amount retained an amount of **£0.00** has been retained for long term maintenance. Please see the below table for a breakdown of the retained maintenance amount.

4. Infrastructure List

Community Infrastructure (CIL) Regulations (2019 Amendment) Regulation 121A(1) (a)⁷

The Council is currently in the process of determining how the planning contribution funds will be directed. Decisions will be made as part of the Council's annual capital budget setting process which will be approved in March 2021. The Council has provisionally established the following spend priorities which were agreed by the Leadership Team in November 2020 as part of agreeing the Councils s106 and CIL governance processes⁸.

- Affordable Housing (S106)
- Education (BCIL)
- Community Facilities (i.e. Health, Libraries, Sport & Leisure Facilities, Cultural Facilities) (BCIL)
- Natural Resource Management (i.e. air quality, waste, biodiversity, Energy) (BCIL)
- Public Realm (i.e. Parks & Open Spaces, Streetscape, Community Safety) (BCIL)
- Transport (i.e. highways and traffic works, public transport) (BCIL)
- Employment & Training

A statement of the infrastructure projects or types of infrastructure which the Council intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies) will be provided in the next Infrastructure Funding Statement.

⁷ <https://www.legislation.gov.uk/ukdsi/2019/9780111187449/regulation/9>

⁸ <https://www.rbkc.gov.uk/committees/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/669/Meeting/8365/Committee/1593/Default.aspx>

