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Rutland County Council

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Meeting: PLACES SCRUTINY PANEL

Date and Time: Thursday, 26 November 2015 at 7.00 pm

Venue: COUNCIL CHAMBER, CATMOSE, OAKHAM,
RUTLAND, LE15 6HP

Clerk to the Panel: Marcelle Gamston
email: corporatesupport@rutland.gov.uk

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Helen Briggs
Chief Executive

A G E N D A

APOLOGIES

1) RECORD OF MEETING

To confirm the record of the meeting of the Places Scrutiny Panel on 8 October 2015 (previously circulated)

2) DECLARATIONS OF INTEREST

In accordance with the Regulations, Members are invited to declare any personal or prejudicial interests they may have and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

3) PETITIONS, DEPUTATIONS AND QUESTIONS

To receive any petitions, deputations and questions received from Members of the Public in accordance with the provisions of Procedure Rule 217.

The total time allowed for this item shall be 30 minutes. Petitions, declarations and questions shall be dealt with in the order in which they are received.

Question may also be submitted at short notice by giving a written copy to the Committee Administrator 15 minutes before the start of the meeting.

The total time allowed for questions at short notice is 15 minutes out of the total time of 30 minutes. Any petitions, deputations and questions that have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions that are not considered within the time limit shall receive a written response after the meeting and be the subject of a report to the next meeting.

4) QUESTIONS WITH NOTICE FROM MEMBERS

To consider any questions with notice from Members received in accordance with the provisions of Procedure Rule No. 219 and No. 219A.

5) NOTICES OF MOTION FROM MEMBERS

To consider any Notices of Motion from Members submitted in accordance with the provisions of Procedure Rule No. 220.

6) CONSIDERATION OF ANY MATTER REFERRED TO THE PANEL FOR A DECISION IN RELATION TO CALL IN OF A DECISION

To consider any matter referred to the Panel for a decision in relation to call in of a decision which relates to this Scrutiny Panel's remit and items on this Agenda.

PRESENTATION

7) PRESENTATION FROM THE LEICESTERSHIRE FIRE AND RESCUE SERVICE

To receive a presentation from the Deputy Chief Fire and Rescue Officer, Steve Lunn.

SCRUTINY

Scrutiny provides the appropriate mechanism and forum for members to ask any questions which relate to this Scrutiny Panel's remit and items on this Agenda.

8) REPORT NO. 217/2015 PERFORMANCE MANAGEMENT REPORT - QUARTER 2 2015/16

To receive Report No. 217/2015 from the Chief Executive.

(Previously circulated under separate cover)

9) REPORT NO. 206/2015 QUARTER 2 FINANCIAL MANAGEMENT REPORT

To receive Report No. 206/2015 from the Director for Resources.

(Previously circulated under separate cover)

10) REPORT NO. 210/2015 DRAFT HOUSING ALLOCATION POLICY

To receive Report No. 210/2015 from the Director for Places (Development and Economy).
(Pages 5 - 58)

11) REPORT NO. 211/2015 PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

To receive Report No. 211/2015 from the Director for Places (Development and Economy).
(Pages 59 - 114)

12) REPORT NO. 230/2015 STREET LIGHTING POLICY

To receive Report No. 230/2015 from the Director for Places (Environment, Planning and Transport).
(Pages 115 - 126)

PROGRAMME OF MEETINGS AND TOPICS

13) SCRUTINY PROGRAMME 2015/16 & REVIEW OF FORWARD PLAN

To consider Scrutiny issues to review.

Copies of the Forward Plan will be available at the meeting.

14) ANY URGENT BUSINESS

To receive any other items of urgent business which have been previously notified to the person presiding.

15) DATE AND PREVIEW OF NEXT MEETING

13 January 2016 – Budget

4 February 2016

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TO: ELECTED MEMBERS OF THE PLACES SCRUTINY PANEL

Mr J Lammie (Chairman)

Mr E Baines

Mr O Bird

Mr G Conde

Mr W Cross

Mr J Dale

Mr O Hemsley

Mr A Mann

Mr M Oxley

OTHER MEMBERS FOR INFORMATION

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PLACES SCRUTINY PANEL

26 November 2015

DRAFT HOUSING ALLOCATION POLICY

Report of the Director for Places (Development & Economy)

Strategic Aim:	Building our Infrastructure Meeting the health and wellbeing needs of the community	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr T C King, Deputy Leader and Portfolio Holder for Places (Development and Economy) and Resources	
Contact Officer(s):	Paul Phillipson, Director for Places	Tel: 01572 758321 pphillipson@rutland.gov.uk
	James Faircliffe, Housing Strategy and Enabling Officer	01572 758238 jfaircliffe@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Panel considers the draft Housing Allocation Policy set out at Appendix D and that any comments be reported to Cabinet as appropriate.

1 PURPOSE OF THE REPORT

- 1.1 To consider the draft Housing Allocation Policy (HAP) as part of the consultation process with local community and key stakeholders. The HAP sets out how the Council assesses applicants for housing association tenancies. It aims to address new statutory guidance and to better meet the housing needs of Rutland.

2 BACKGROUND

- 2.1 The Council transferred its housing stock to Spire Homes in 2009. The Council continues to run the housing register (waiting list) and retains the right to nominate the majority of tenants to housing association homes, including Spire's. The Council has the freedom to devise its own HAP, but within a broad framework set out by law which we must follow and statutory guidance which we must have regard to. This legal framework is set out in more detail within the draft HAP in sections 1 to 13 and Appendix 3.
- 2.2 When the current HAP was implemented in early 2015, the 'headline' requirement to live or work in Rutland to qualify for the housing register was increased to two

years, but many households from outside Rutland with local family members were now able to qualify as well. There are also a number of alternative grounds for qualification, such as being homeless and in priority need with a local connection or fleeing violence, working locally or (as required by law) membership of the Armed Forces currently or in the past 5 years. There is no exemption for civilian staff working at the bases, but the Council's experience is that when civilian base workers have enquired regarding housing they have tended to be local people who would already qualify for the housing register.

2.3 There have been a number of changes since the preparation of the current HAP began in Autumn 2013:

- A further 131 affordable homes have been provided between 1 January 2014 and 31 August 2015, including those close to completion.
- The impact of both welfare reform and the growth of Kendrew Barracks on housing need have been less than was feared (although the situation may become more challenging as time passes and further changes take place).
- The Government has published its statutory guidance on the 'Right to Move' for social housing tenants from other parts of the country moving for work.
- The number of households on the housing register has fluctuated as shown below. Publicity has increased applications significantly, but they are still low for some areas and property types.

	Applications on the housing register
30 September 2013	288
31 March 2014	225
30 September 2014	246
31 March 2015	270
30 September 2015	304

As a comparison, 320 nominations of potential tenants were made to housing associations in 2014/15, of which around half resulted in a tenancy.

3 PROPOSED CHANGES

3.1 The draft Housing Allocation Policy is set out at Appendix D to this report and the proposed changes to the document are summarised in Appendix C. Further information on the main changes is provided below. For comparison, a copy of the current HAP has been placed in the Members' Room and is also available at www.rutland.gov.uk/pdf/Housing%20Allocation%20Policy%20October%202014.pdf

3.2 It is recommended that the 'headline' qualification period for applicants applying to join the housing register is reduced to one year. This will increase the number of applicants on the list and improve its viability whilst still normally requiring a local connection. The Council already makes a number of exceptions and the reduction of the residence period will assist with this by increasing the proportion of those in need who can access the list, in accordance with recent case law. The Council has had regard to the two year normal minimum qualification period suggested in the statutory guidance. The Council must also have regard to its Homelessness Strategy and promoting equalities and should take into account local circumstances. A reasonable number of applications across the different property

types and areas are needed to assist with homelessness prevention and to continue to attract new investment in affordable housing.

- 3.3 Appendix A summarises the residence requirements of Rutland and surrounding areas and the recommended changes. It does not include the detailed definitions and exceptions.
- 3.4 Appendix B shows the level of points that households would usually have simply through qualifying for the housing register for the categories above, under the proposed changes.
- 3.5 The National 'Right to Move' initiative applies to existing social housing tenants from outside Rutland who need to move to Rutland to take up work or retain work, to avoid hardship. Although it is called the 'Right to Move', it is more accurately the right to join the housing register and to receive a reasonable degree of priority. It is recommended that the scope of the Social Need points be extended formally to include this, so that 50 points or 150 points are awarded depending on the level of need. Further information, based on the national rules, is included in Appendix 3 within the draft HAP.
- 3.6 The current criteria for giving a priority to applicants with a local connection to apply for affordable housing on rural exception sites have been used for around 10 years. They have, however, been considered to be too complex and resulted in difficulties in finding applicants to occupy the home or selling shared ownership properties. The criteria have, therefore been streamlined to promote the future sustainability of these sites, whilst still giving a priority to people with a local connection to the area. This would also assist shared owners with selling their properties.

4 CONSULTATION

- 4.1 The public and stakeholder consultation process ends on 14 December 2015. Any comments received from the Places Scrutiny Panel will be included in a report to Cabinet following the consultation process.

5 FINANCIAL IMPLICATIONS

- 5.1 There will some financial costs involved in publicising the consultation document that will be met from existing budgets, as will the printing of revised customer information for the final policy.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 The Council has complied with legal requirements, including having regard to the revised statutory guidance, when preparing the draft HAP.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 The changes have been subject to an equalities impact screening assessment. This showed positive or neutral impacts and as such a full EqIA is not required.

8 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 8.1 The draft HAP will better meet the needs of Rutland and addresses the revised legal framework. The recommendation seeks the views of the Places Scrutiny Panel as part of the consultation process.
- 8.2 Following public consultation, the responses will be assessed and a report brought back to Cabinet in February 2016 to consider any changes required and the approval of the document.

9 BACKGROUND PAPERS

- 9.1 There are no additional background papers to this report.

10 APPENDICES

- 10.1 Appendix A – Comparison of local connection requirements between Rutland and surrounding areas.
- 10.2 Appendix B – Points that households would usually have simply through qualifying for the housing register under the proposed changes, before specific needs taken into account.
- 10.3 Appendix C – List of proposed changes to the current (October 2014) Housing Allocation Policy.
- 10.4 Appendix D – Draft Housing Allocation Policy.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577. (18pt)

Appendix A. Comparison of local connection requirements between Rutland and surrounding areas

	Immediate Residence requirement	Past residence alternative	Local work connection alternative	Family alternative
RCC current policy	2 years.	3 years out of the last 5.	Working for the last 2 years.	Close family member resident for 3 years.
RCC suggested changes	Suggest reduce to 1 year.	Suggest retain.	Suggest replacing with working for the last year, OR ' <i>Right to Move</i> '.	Suggest retain. Is working well.
South Kesteven District Council	6 months.	3 years out of the last 5.	Working for the last 6 months, OR ' <i>Right to Move</i> '.	Close family member resident for 5 years.
Melton & Harborough (both part of the Leics. CBL scheme)	6 months.	3 years out of the last 5.	Working permanently, or with a 1 year minimum term.	Close family member resident for 5 years.
East Northamptonshire	1 year out of the last 2.	3 years out of the last 5.	Working permanently, or with a 1 year min. term.	Close family member resident for 5 years.
Corby	3 years out of the last 5.	3 years out of the last 5.	Working permanently, or with a 6 months min. term, OR ' <i>Right to Move</i> '.	Close family member resident for 5 years.
Peterborough	6 months out of the last year (or looking for sheltered housing).	3 years out of the last 5.	Works.	Close family member resident for 5 years.

Appendix B. Points that households would usually have simply through qualifying for the housing register under the proposed changes, before specific needs taken into account

There are no changes to the current points system itself proposed, other than the expansion of the scope of Social Need points to incorporate the 'Right to Move'.

Lived in Rutland for the last year	Lived in Rutland 3 years out of the last 5 years and currently living in Rutland	Lived in Rutland 3 years out of the last 5 years and <u>not</u> currently living in Rutland	Worked in Rutland for the last year but not living there	Right to move (social housing tenant moving from outside Rutland to take up work in Rutland)	Not living in Rutland, but close family member resident in Rutland for 3 years
10 residence points, PLUS 20 points if worked in Rutland for 6 months ¹	10 points if resident in Rutland for a year, PLUS 20 points if worked in Rutland for 6 months ¹	40 points if worked in Rutland for 6 months PLUS 10 points if immediate family living in Rutland	40 points PLUS 10 points if immediate family living in Rutland	50 points (or 150 points in cases of particular need) PLUS 10 points if immediate family living in Rutland	10 points. (Assumed no points for working in Rutland, as would normally qualify under another category.)

¹ Would qualify for a further 50 points if they lived in a village (other than Barleythorpe) and were being rehoused in that village.

Appendix C. List of proposed changes to the current (October 2014) Housing Allocation Policy

	PROPOSED CHANGE INCLUDED IN THE NOVEMBER 2015 CONSULTATION DRAFT (APPENDIX D)
1.1, 3.6, 14.4	Minor update to references to legislation, statutory guidance and Government funding.
3.6, 10.1	Minor revisions to the names of Council policies and teams due to the passage of time.
3.9	Statement regarding working to meet the needs of people with learning disabilities, including autism.
6.1, 6.3	Reduction of the 'headline' qualification period for joining the housing register from 2 years to 1 year (whilst retaining a number of exceptions).
6.2, 19.0 (Employment in Rutland)	In the definition of 'paid employment', the minimum hours are reduced from 17 to 16 to reflect Government Statutory Guidance and Equality Statement on the "Right to Move" (both March 2015), to promote equality through reflecting varied working patterns.
6.3 and former 16.4 (was between what is now 16.5 & 16.6 in the draft)	Deletion of references to transitional arrangements in the previous policy which are no longer relevant due to the passage of time.
6.4, 12.5, 19.0 (Employment in Rutland & Social Need), 31.2, Appendices 2 & 3.	Changes to include the 'Right to Move'. The 'Right to Move' was introduced by the Government for social housing tenants outside Rutland who need to move to Rutland for work reasons and to avoid hardship. It is a right to apply and be given a certain amount of priority if they meet the criteria rather than a guarantee of housing.
7.7, 7.10, 19.0 (Employment in Rutland)	Inflation updated by the Consumer Price Index from 1 April 2014 to 1 April 2015, in line with the October 2014 policy.
16.2 to 16.6	Revisions to local lettings schemes to improve operation and relevance to meeting need.

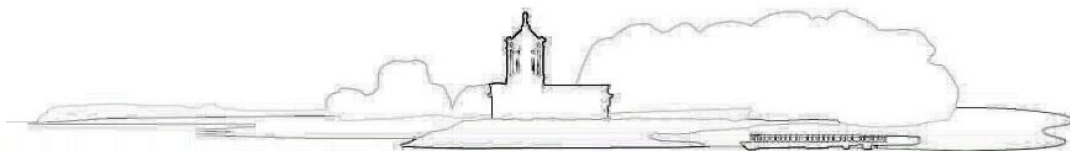


Rutland County Council

HOUSING ALLOCATION POLICY

CONSULTATION DRAFT

November 2015



Title

Draft Housing Allocation Policy

Subject matter

To provide a clear structure and guidance on how the Council prioritises and nominates applicants to housing associations and other providers of affordable housing

Period for representations

Comments on the consultation document should be received by 4.45pm on **Monday 14th December 2015**

Address to send representations to**Mailed written representations to:**

Planning Policy & Housing Manager
Rutland County Council
Catmose
Oakham
Rutland
LE15 6HP

E-mailed representations to:

planningpolicy@rutland.gov.uk

Please advise in your representation if you wish to be informed of the next stage in the adoption of the Policy.

Summary of document

Rutland County Council's Housing Allocations Policy sets out how it prioritises and nominates applicants to housing associations and other providers of affordable housing. It is the Council's statutory allocations scheme and also sets out the arrangements for existing Rutland social housing tenants who would like to transfer between properties within Rutland. The policy complies with the Housing Act 1996 Part 6 as amended and other relevant legislation, regulations and guidance.

The document aims to meet housing need, promote sustainable communities and the local economy and fulfil legal requirements.

The Council has produced a separate statutory summary of the policy for applicants, which is available on request, in accordance with section 168 of the Housing Act 1996. The full policy is below and is also available in large font on request.

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1.0 INTRODUCTION

- 1.1 Rutland County Council's Housing Allocations Policy sets out the way in which it makes nominations to housing associations and other providers of affordable housing. It is the Council's statutory allocations scheme and also sets out the arrangements for existing Rutland social housing tenants who would like to transfer between properties within in Rutland. The policy complies with the Housing Act 1996 Part 6 as amended by the Homelessness Act 2002, the Housing and Regeneration Act 2008 and the Localism Act 2011. We have reviewed the statutory instruments and the statutory Code of Guidance on allocations (Allocation of accommodation: guidance for local housing authorities in England, June 2012) and the associated additional statutory guidance. We are satisfied that the allocation scheme meets the relevant requirements. We have had regard to the Council's Homelessness Strategy and Tenancy Strategy. We have ensured that these strategies and the allocations scheme complement each other and will work well together.
- 1.2 Whilst the main focus of this policy is on rented accommodation, it is intended that the housing register will remain the first source of applicants for affordable home ownership schemes and the Council expects providers to proceed on this basis.

2.0 STATEMENT ON APPLICANTS' CHOICE AND ABILITY TO EXPRESS A PREFERENCE

- 2.1 Rutland County Council is fully committed to enabling people seeking affordable housing to express their preferences for the type and location of accommodation that they are seeking within the County.
- 2.2 The Council seeks to maximise choice for its applicants, whilst ensuring that priority needs are met and that the housing stock is used efficiently. The Council will, where appropriate, adopt local lettings schemes regarding who can qualify for inclusion under the housing register.
- 2.3 All applicants are entitled to express their preferences for the areas in which they wish to live and can select as many or as few as they wish. This enables applicants to seek a location they consider suitable for access to employment, schools, relatives, support and medical facilities and other facilities important to them.

- 2.4 Preferences expressed by applicants will, wherever possible, be taken into account by the Council when making an allocation.
- 2.5 The Council will provide information and advice to applicants to enable them to make properly informed choices.

3.0 OPERATION OF THE POLICY

- 3.1 The responsible Director has authority to operate this policy given to them by the County Council under the Scheme of Delegation in the Council's Constitution. This includes the power to consider representations from housing applicants requesting special consideration for housing provision after consultation with the Ward Member and Portfolio Holder for Housing. The latter power will be carefully monitored and may be used in exceptional circumstances where the policy does not provide adequate priority or qualification for the necessary service and there is a pressing, urgent and/or rare need.
- 3.2 Rutland County Council, when framing its allocation scheme, has given reasonable preference to people in need as specified by section 166A(3) of the Housing Act 1996 (as amended). In some cases, the Council has given additional preference to those with more acute or urgent housing need. The award of reasonable preference and additional preference will normally be done by giving priority points where appropriate to each application as set out in this policy document, which also sets out where quotas or exceptional discretion may additionally be used. The policy normally gives additional preference to applicants in urgent need and, under Government regulations, must do so for the following groups when they are in urgent housing need:
 - (a) former members of the regular Armed Forces
 - (b) serving members of the regular Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
 - (c) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
 - (d) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

The Council has defined (a) as former members of the regular Armed Forces as set out in the regulations, who left the Forces

in the last ten years and who have not been dishonourably discharged.

- 3.3 Applicants will not be awarded points under reasonable or additional preference categories (see categories at paragraph 12.3), if these are only awarded because a 'restricted person' as defined by Part 7 of the Housing Act 1996 has been taken into account.
- 3.4 Priority of applicants may be reduced by the team manager where the Council is satisfied that the applicant has knowingly made their situation worse in order to receive additional priority.
- 3.5 Rutland County Council will assess a range of factors in determining the relative priority of applicants for accommodation within the reasonable preference and additional preference categories. These are set out in the priority points scheme and, where applicable, through the use of quotas and in line with the legislation and Code of Guidance.
- 3.6 The Rutland Health and Wellbeing Board continues to recognise that housing is one of the wider determinants of health. It prioritises good quality housing and helping to address fuel poverty and homelessness, delivered through partnership working. This is furthered by the Government's reasonable preference categories for housing allocations. These include homelessness; people occupying insanitary, overcrowded or otherwise unsatisfactory housing and people who need to move on medical, disability, hardship or welfare grounds. The Housing Allocation Policy addresses these and awards points where appropriate for Category 1 Property Hazards, Homelessness, Insecure / Temporary Accommodation, Lacking Amenities, Medical Grounds, Overcrowding, Separated Families, Social Need and Staying Contact with Children. The Council's Homelessness Strategy emphasises the promotion of wellbeing through services for people in need, such as children and young people, those at risk of being homeless and those with specific needs.
- 3.7 The Council may decide to provide a quota of properties for securing accommodation for applicants, in cases where the Council has a full homelessness duty under Part 7 of the Housing Act 1996. (This will not include any households that are intentionally homeless.) This is an operational decision which would be made by the responsible Director, in consultation with the Portfolio Holder for Housing. Any quota system may apply generally, or to properties that are of particular types or in particular locations. These would still be allocated in points order, provided there were no other relevant factor in the view of the team manager. Examples of relevant factors may include

the need to prevent a household entering temporary accommodation and incurring an additional move, or the need for a household to move out of temporary accommodation because its location or nature was causing them difficulties. Any quota system put in place would be subject to regular review and would not interfere with homeless applicants receiving offers in the normal way, outside of the quota.

- 3.8 In the same way, where the Council believes this would support sustainable communities and broad access to housing, it may set a quota for properties to be allocated to households who are not homeless or threatened with homelessness within 28 days.
- 3.9 The Council is committed to maximising the social inclusion of people with learning disabilities, in line with the Code of Guidance and the Valuing People approach. This includes assisting people with learning disabilities with the transition into independent living and/or assisting them to maintain independence. The Council will provide appropriate priority through its points system but also recognises the importance of long term planning in promoting independent living. In some cases, relying solely on priority through the points system would mean that accommodation might be offered at very short notice before the applicant is prepared and ready. Therefore, the team manager may designate that a particular property or vacancy (for example, the next suitable one bed flat in Oakham which becomes available in six months' time) should be allocated to an applicant in this category (who may or may not be provisionally made an offer). This would not prevent people with a learning disability from receiving offers in the normal way, provided they are capable of maintaining a tenancy (with any necessary support provided) at that time. The Council works collaboratively and in partnership to help to meet the needs of people with learning disabilities, including people with autism.
- 3.10 The team manager will make decisions on applications for assistance under the Rent (Agriculture) Act 1976. He may decide to assess these in the normal way (including Social Points if necessary), or he may decide to allocate outside the points system if justified under the legislation.

4.0 PROCESSING OF APPLICATIONS

- 4.1 The Council may work in partnership with another organisation to provide this service. References to the Council in this document may also include its delivery partner, except in those cases where the legal duty cannot be delegated.

- 4.2 The routine assessment of applications and making of nominations is undertaken under this policy by front line housing options staff. They are supervised as necessary by the operational supervisor and managed by the team manager.
- 4.3 The Council maintains a Housing Register to which anyone over the age of 16 may apply. (There are special rules where the applicant is aged 16 or 17, which are stated in the 'Applicants under 18 years' section below. This also includes information on the Joint Protocol for Homeless 16 and 17 year olds.)
- 4.4 If any applicant is related to a County Councillor or to a member of staff from Rutland County Council, or to any Board or staff member of any registered provider (normally the same as a housing association) or almshouse charity operating in Rutland, they will be required to declare this on their application form.
- 4.5 All applicants will be required to provide relevant proof in order to support their application, including the documentation listed on the application form. Providing all relevant information is submitted at the point of application, the Council will aim to notify applicants of the level of priority points attached to their application, within 20 working days of the application being submitted.
- 4.6 Under the Housing Act 1996, **an applicant must 'qualify' and be 'eligible'** before they can join and stay on the housing register. Applications on the housing register are assessed for priority under this policy.
- 4.7 Transfer applicants (that is, current tenants of social landlords that are registered providers and who request their own transfer) can only be included on the housing register if they have 'reasonable preference' (enough housing need) and if they 'qualify' for inclusion, as detailed in the sections below. There are special arrangements for transfer applicants in Rutland if they are entitled to 'Children Under 5 Living in Flats' or 'Under Occupation of family type housing' points, which are set out in section 12 below. Transfer applicants should also discuss their options with their current landlord.
- 4.8 Occupiers of affordable accommodation, where the provider is not a registered provider or where the occupation is by licence and not by tenancy, are not regarded as transfer applicants and are treated in the same way as other applicants.
- 4.9 Occupiers of the Council's own temporary accommodation under the homelessness legislation would normally have non-secure common law tenancies and therefore would not count as transfer applicants.

- 4.10 Applicants in housing association temporary homelessness accommodation arranged by the Council may be assured shorthold tenants and therefore count as transfer applicants. In most cases they would have reasonable preference, but this may not always be the case depending on the outcome of the homelessness application.
- 4.11 Applications to join the Council's housing register may result in being nominated to a private registered provider (normally a housing association) for accommodation, *provided the applicant has sufficient priority relative to other applicants and a suitable property is available*. In practice, any accommodation offered will be in Rutland as the Council does not have any nomination rights outside the County. The registered provider will then assess the nomination under their own policies. The Council does not have any accommodation of its own available for allocation, as it transferred its properties to Spire Homes in 2009. Other registered providers also have properties in Rutland.
- 4.12 The Council will assess qualification and eligibility when any applicant seeks to join the housing register and also prior to making a nomination. It may also consider these at other times, for example where there is possible new information, or during a review of the housing register, or during a review (appeal) by the applicant regarding their application.
- 4.13 Where there is a joint application and the applicants live in different properties, the Council will assess the points on the basis of the current property that would score the most points, provided that the applicant living in that property would **'qualify'** (as defined below) in their own right.
- 4.14 When considering Overcrowding, Under Occupation, Category 1 Property Hazards and Social Need points - and property types for allocation - the Council will include unborn children in the calculations from 24 weeks of pregnancy. The Council will disregard the gender of unborn children when assessing the gender/age occupation mix of current and future properties, as this will not always be known to the parents.

5.0 QUALIFICATION FOR INCLUSION ON THE HOUSING REGISTER

- 5.1 The Secretary of State may determine some categories of people who qualify, or do not qualify, for inclusion on the housing

register. The Council will follow any regulations that are made. Subject to this, the Council is able to set its own criteria.

- 5.2 The Council's criteria are given below and applicants must meet all applicable qualification criteria in order to join the housing register. They must continue to meet all these requirements to remain on the register and to qualify for any offer that may be made.
- 5.3 In the case of an allocation to two or more persons jointly, at least one of the persons must normally be a qualifying person on the Grounds of Residence and all must normally be qualifying people on the grounds of suitability to be a tenant.

6.0 QUALIFICATION ON THE GROUNDS OF RESIDENCE

- 6.1 In order to be accepted onto the housing register - and to retain their qualification to remain on the housing register - applicants who joined the housing register after this Housing Allocation Policy was implemented are required:
 - to have lived and/or to have been in paid employment in Rutland for the preceding year, or for a total of three years out of the preceding five years OR
 - to have an immediate family member who has lived in Rutland for the past three years. (Immediate family means a parent, child or sibling. Step and half relatives count as full relatives.)
- 6.2 In this section, 'paid employment' is defined as having been in paid employment (not necessarily permanent) in Rutland for the relevant period, for at least 16 hours per week on average, with a commonsense approach taken regarding brief periods of unemployment. Where there is a local lettings scheme, applicants will also have to qualify on grounds of residence where relevant.
- 6.3 The Council, having regard to all statutory guidance on allocations, its Homelessness Strategy and case law on prioritising people in 'reasonable preference groups', has decided that the qualification periods in 6.1 above are reasonable and appropriate. They help to ensure sufficient demand for all types of housing whilst maintaining a transparent and relatively simple approach to qualification.
- 6.4 The following are exempt from the Qualification on the Grounds of Residence requirement:

- households which the Council has assessed as unintentionally homeless, in priority need and with a local connection where required (that is, where the Council has a 'full' homelessness duty which has not yet been discharged)
- 16 and 17 year olds who are being looked after by Rutland County Council
- households which are entitled to Social Need points at Category A (250 points) or B (150 points) for a pressing need to move to Rutland specifically, or which are entitled to Social Need points for the 'Right to Move' under Appendix 3
- households which have Medical Category A points (250 points), where they are already resident in Rutland or have immediate family residing in Rutland (immediate family means a parent, child or sibling, with step and half relatives counting as full relatives)
- in accordance with Government regulations
 - members of the regular Armed Forces and former members where the application is made within five years of discharge OR
 - spouses and civil partners who have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their partner, where the partner has served in the regular forces and their death was attributable (wholly or partly) to that service OR
 - serving or former members of the reserve forces who are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service
- applications for low demand dwellings, where approved by the team manager
- other cases approved on an exceptional basis by the team manager
- transfer applicants resident in Rutland.

6.5 Any time spent in prison in Rutland does not count towards residence.

7.0 QUALIFICATION ON THE GROUNDS OF SUITABILITY TO BE A TENANT

7.1 An applicant must be suitable to be a tenant in order to qualify. An applicant is suitable, unless they fall within one or more of the

definitions of being unsuitable given below and a decision to exclude them from the register is justified and proportionate. The reason for unsuitability must still be relevant. If the type of situation referred to in paragraphs 7.5, 7.6 and 7.7 happened a long time ago, the Council may decide that it would be unreasonable to take it into account. The Council has to balance the seriousness of the situation(s)/incident(s) against how long ago they happened. Similarly, if something was done by a member of the applicant's household, but that person is no longer a member of the household, this might not prevent the person qualifying for inclusion on the housing register. Any exceptional housing need can be taken into account, but this would not always outweigh factors that may make the tenant unsuitable.

- 7.2 An applicant is normally unsuitable to be a tenant if they are the sole owner of a property anywhere in the world which is suitable and appropriate for them to live in (or could be realistically adapted, repaired or improved to be so) and is available for their occupancy, or can reasonably be made available within one year.
- 7.3 'Sole owner' includes properties which have secured loans, provided that it is not a true affordable shared ownership arrangement. It also includes joint ownership when the applicant wishes to move with a family member who is the other owner. 'Sole owner' includes sole ownership of a lease in a block of flats that is not affordable shared ownership (this also includes commonhold arrangements). Properties are not, for the purpose of qualification, regarded as 'available for occupation' if the applicant is entitled to Insecure/Temporary Accommodation points with regard to that property, nor if the applicant is homeless or threatened with homelessness within the meaning of the homelessness legislation.
- 7.4 Although the Council transferred its properties to Spire Homes in 2009, this policy normally still uses the test of whether an action would have been expected to lead to a Court granting an Outright Possession Order against the applicant, had the person been a Council tenant. This test is still used because it is relatively well understood in Rutland following use for many years and because it sets a relatively high threshold which protects the applicant.
- 7.5 An applicant is unsuitable to be a tenant if:
- the applicant, or a member of their household who is to be rehoused with them, has been guilty of unacceptable behaviour serious enough to make the applicant unsuitable to be a tenant of the Council, and

- in the circumstances at the time that the application is considered, the person is unsuitable to be a tenant by reason of that behaviour.

7.6 Unacceptable behaviour is normally:

- behaviour that would (if the applicant were a secure tenant of the Council) entitle the Council to an outright possession order under the Housing Act 1985 s.84 on any ground in Part I of Schedule II of the Act (except Ground 8), or
- behaviour of a member of the applicant's household, which would (if the person were residing with a secure tenant of the Council) entitle the Council to such a Possession Order.

7.7 This may include, but is not limited to:

- conviction for an arrestable offence
- causing an annoyance or nuisance
- harassment
- damage to a property
- social housing rent arrears or other social housing-related debt currently totalling over £1041 at 1 April 2015 prices (to be inflated annually by the Consumer Price Index or any other appropriate successor inflation factor)
- threatening behaviour or violence.

7.8 Where an applicant or a member of their household is guilty of unacceptable behaviour, the Council will decide whether the applicant will be:

- refused access to the housing list
- accepted onto the housing list with reduced points
- accepted onto the housing list with normal points.

7.9 The starting point for deciding the appropriate option for an applicant will be that s/he should be refused access onto the housing list. However, the following factors should be taken into account and may result in the applicant being accepted onto the list, either with reduced points, or with normal points:

- length of time since the unacceptable behaviour
- repeat occurrence of unacceptable behaviour
- whether it is in the public interest for the applicant to be refused access onto the housing list, or to have their priority reduced
- if it may not be fair or reasonable to apply the social housing-related debt criterion in the applicant's specific circumstances (for instance, in some cases where a move

would improve the long term affordability of their accommodation).

- 7.10 It should be noted that behaviour that would not be sufficient to give the Council outright possession would normally be ignored for the purposes of qualifying for the housing register or making a nomination. Thus, a social housing-related debt under £1041 at 1 April 2015 (subject to inflation) would not be taken into account in deciding qualification, unless there are exceptional circumstances.
- 7.11 Where an applicant has been refused access onto the housing list, the applicant may make a fresh application at any time. It will be for the applicant to demonstrate that there has been a material change in circumstances and that their application should now be re-assessed.
- 7.12 Where an applicant is unsuitable to be a tenant, the Council may refuse the applicant access onto the housing list, or
- accept the applicant onto the housing list with reduced priority, or
 - accept the applicant onto the housing list with normal priority.

8.0 ELIGIBILITY FOR INCLUSION ON THE HOUSING REGISTER

- 8.1 Some people are not allowed ('eligible') to apply for social housing by law, if they are from abroad or returning from abroad. The rules on when this applies are complex. Further information is available in the Government's Code of Guidance on allocations or from Council staff.
- 8.2 The Council is not allowed to nominate two or more people to a joint tenancy if any of them is not eligible, but can still nominate any of them that are eligible and take account of the whole household when assessing whether a property is suitable.

9.0 REDUCTION OF PRIORITY

- 9.1 Where an applicant or a member of their household is unsuitable to be a tenant as described above, but the Council's view is that they should not be excluded from the housing register, the Council has to make a similar but separate decision regarding whether it would be appropriate to reduce their priority. The Council must still provide them with 'reasonable preference' priority if their application falls into one of these categories, but it

can alter the priority they receive compared with other people with a reasonable preference. The relevant provisions of the Housing Act 1996 (as amended) is s.166A(5)(a) regarding property ownership and s.166A(5)(b) regarding unacceptable behaviour by the tenant or a member of their household.

9.2 Where priority is reduced in this way, the applicant can only receive points under the following categories and the maximum number of points for their application cannot exceed 50.

- Category 1 Property Hazards
- Homelessness
- Insecure / Temporary Accommodation
- Lacking Amenities
- Medical Grounds
- Overcrowding
- Separated Families
- Social Need Points
- Staying Contact with Children.

9.3 Applicants whose application is reduced in priority in this way will be advised of this in writing, and given the reason for the decision. The letter will include information on their right to appeal.

9.4 In addition to the appeal process, the applicant may reapply at any time but the onus will be on them to show that their circumstances have changed. In addition, if the application has had its priority reduced for more than one year and the Council is approached by the applicant, the Council will proactively consider whether the reduction in priority is still justified regardless of whether or not the applicant has demonstrated that their circumstances have changed.

9.5 There is a separate procedure for dealing with situations where reasonable offers have been refused. This is under 'Reasonable offers' below.

10.0 APPLICANTS UNDER 18 YEARS

10.1 Applicants under the age of 18 years will be given points if one or more of the following apply:

- They have been accepted as legally homeless and in priority need.
- Are over the age of 16 (where a referral for assistance has been made by Social Services under the Children Act 1989).

- Have been assessed jointly under the Rutland Council Children's Services and Housing Joint Protocol for Homeless 16 and 17 year olds (or, in relevant cases, by the Inclusion Team within the 'Learning' Service as):
 - able to meet the responsibilities of a tenancy, and
 - having a suitable support package agreed with the Council in its role of Social Services Authority, and
 - have an agreed person who will stand, as guarantor to the tenancy until the applicant is 18 years.

10.2 Applicants who do not meet the requirements in paragraph 10.1 above will be placed on the Housing Register but will not be awarded any points and will therefore not be considered for an offer of accommodation until they reached the age of 18 years. They will still accumulate time and residency points in the normal way from the point of registration, except that the points will be applied retrospectively once the applicant reaches 18.

11.0 ARMED FORCES PERSONNEL

- 11.1 Members of HM Armed Forces may apply for housing with the Council. Applicants should note that, in the event of them being allocated a property, they would be expected to use the property as their main home. Applicants may therefore decide to suspend offers of accommodation until near to their discharge date.
- 11.2 The regulations relating to additional preference for former members of the regular Armed Forces (and in some cases, injured serving members and bereaved spouses and civil partners) in urgent housing need are outlined in section 3 above. The Council already gives additional preference to qualifying households in urgent housing need under this allocation scheme, regardless of whether or not they are members of the Armed Forces. The 'Former Members of the Armed Forces etc. in urgent housing need' points category ensures that additional preference is given in appropriate cases, if it has not already been provided under a different points category.
- 11.3 The Government has also made regulations waiving residency restrictions in some circumstances for people with an Armed Forces background. Further information is given above in section 6 above.

12.0 TRANSFERS

12.1 Under the Housing Act 1996 (as amended), any assured or assured shorthold tenant of a private registered provider of social housing (which is usually the same as a housing association) or a secure or introductory tenant of a housing authority (which usually means a council tenant) can only be accepted onto the housing register if:

- the allocation involves a transfer
- the transfer is made at the tenant's request, and
- the housing authority is satisfied that the tenant has reasonable preference for an allocation.

12.2 The Council will determine whether the applicant has 'reasonable preference' (that is, housing need which meets the criteria for reasonable preference given above) by assessing the application through the points scheme to see if the applicant can be accepted onto the housing register.

12.3 Transfer applicants who have been awarded points in any of the categories below will be admitted to the housing register, but will have to leave the housing register if they cease to be entitled to the relevant points:

- Category 1 Property Hazards
- Homelessness
- Insecure / Temporary Accommodation
- Lacking Amenities
- Medical Grounds
- Overcrowding
- Separated Families
- Social Need points
- Staying Contact with Children.

12.4 Where a household resident in Rutland wishes to transfer is **not** entitled to any of the above points and cannot join the housing register, but **is** entitled to 'Children Under 5 Living in Flats' or 'Under Occupation of family type housing' points, their application will be pointed and considered alongside other applicants according to their points. They will still need to **qualify** for inclusion and allocation (for example, suitability to be a tenant) in the same way as other applicants. Technically, they will not be part of the statutory housing register but they can be considered alongside housing register applicants. This is in line with paragraph 1.8 of the Code of Guidance which states that

councils can continue with a single allocation scheme covering both transfer applicants with no reasonable preference and other applicants.

- 12.5 Transfer applicants from outside Rutland without reasonable preference will not be accepted onto the list, unless there are exceptional circumstances approved by the team manager (for example, the need to let properties that are in low demand). Transfer applicants from outside Rutland who have Social Need points under the 'Right to Move' as described in Appendix 3 do have 'reasonable preference'.
- 12.6 Where a transfer applicant is not entitled to join the housing register under paragraph 12.3, nor to be considered alongside transfer applicants under the special arrangements in paragraphs 12.4 and 12.5, they will not normally be able to join the Council's list. Instead, they should see if they can swap with another tenant or arrange a transfer through their housing association.
- 12.7 In situations where an applicant is currently a joint social housing tenant, but wishes to move without the other tenant, they should seek housing advice from the Council.

13.0 HOMELESSNESS

- 13.1 Every new application received will be checked to see if the applicant appears to be homeless or threatened with homelessness within 28 days. If this is the case and the applicant wishes it, then their application will also be dealt with under homelessness legislation. Appropriate investigations into their circumstances will be undertaken and they will be advised of the Council's decision in writing, ideally within 33 days.
- 13.2 If an applicant is accepted for housing as a homeless person under the Housing Act 1996 Part 7 s.193 (as amended), then any suitable offer of housing to the applicant will discharge the Council's duty towards them as a homeless person. If such a homeless applicant refuses a reasonable offer of housing, the Council is likely to have no further duty to provide assistance under the Housing Act 1996 Part 7 (as amended), and any temporary accommodation provided to the applicant is likely to be withdrawn.
- 13.3 Applicants have a right to request a review of any negative decision on their application and on the suitability of any offer of accommodation. Section 23 sets out the arrangements for seeking such a review.

- 13.4 Homeless applicants will be admitted to the housing register and their application will be assessed in the same way as other applicants which will reflect their priority through the points system, unless it is necessary to adopt the quota process at paragraph 3.6 or 3.7.
- 13.5 Within this policy those who are accepted as homeless to whom the Council owes a duty to secure accommodation will be given a high level of priority points. Lesser levels of priority points will be given to other homeless persons including those who are intentionally homeless and those not in priority need. Intentionally homeless households will be offered advice and assistance to enable them to take action to retain or obtain accommodation.
- 13.6 The Council may also offer assistance by finding accommodation for an applicant with a private landlord.

14.0 PROPERTY TYPES THAT APPLICANTS CAN BE CONSIDERED FOR

- 14.1 Due to the limited amount of accommodation that becomes available, it is necessary to make the best use of social housing properties in the County. The properties are offered that are of a suitable size and type in relation to applicants' needs. The information in Appendix 1 shows what type of property the County Council will normally consider nominating an applicant to. In addition, the private registered providers (usually housing associations) to whom the Council nominates may have similar rules. In some cases, the Council or registered providers may take into account the extra downstairs room in 'parlour type' properties where this has the potential to be used as sleeping accommodation. Since four bedroom properties are in very short supply, the Council needs to use these 'parlour type' properties in order to provide suitable accommodation for the many larger families on the housing register.
- 14.2 A more flexible approach may be possible regarding shared ownership or similar properties. This may also be possible where a rented property is in low demand and a wider range of applicants need to be considered to make best use of the property, or conversely where the ideal size of rented dwelling is in short supply.
- 14.3 The Council recognises that households come in all shapes and sizes and with varying needs and Appendix 1 cannot cover every eventuality. The over-riding consideration is that the

property size and type be suitable for the applicant taking account of any special circumstances, whilst ensuring that the best use is made of properties. Principles regarding flexibility can be set by the team manager, with day to day application to specific cases delegated to the operational supervisor.

- 14.4 Appendix 1 follows government guidance on allocations, which is to take account of the welfare reform restrictions on property size for benefit recipients, but not necessarily to follow them in every case. The Council has to balance this against its statutory obligations to address need and to promote equalities, which in some cases means that there may be other over-riding considerations. The Council has to take account of the local stock mix and flexibility may be needed to meet homelessness obligations, or regarding rural sites with local letting policies. The government contributes funding to the Council for discretionary housing payments.
- 14.5 Where there is a likely mismatch between benefit levels and the accommodation offered, the Council will discuss this with the applicant in line with the Code of Guidance on allocations. The Council will also work closely with the association we are nominating to.
- 14.6 As a general rule if an applicant is aged over 50 they can be considered for housing for older people or people with disabilities. However, if an applicant or member of their family is below that age they may still be eligible if they are disabled, or if the housing association has flexible age criteria. In some cases, the relevant age may be greater than 50. This depends on each of the schemes' requirements, and the applicant would need to contact Rutland County Council or the housing association for more information.
- 14.7 If an applicant who requires one bedroom accommodation has Medical Need Priority A or Social Need Priority A, or if they need another bedroom for a carer, or are statutorily homeless, then they may in exceptional cases be considered for two bedroom accommodation.
- 14.8 Where there is no one registered for a specific type of property the Council will offer it to the next suitable applicant in need on the Housing Register (excluding supported housing). For example, applicants with staying contact with children who do not normally reside with them will not normally be offered a house but could instead be offered a flat or maisonette.

15.0 SPECIALLY ADAPTED DWELLINGS

15.1 Properties designed or adapted to wheelchair standard or with special facilities will only be offered to applicants where a member of the household needs these facilities. However, where there is no such applicant on the Housing Register, the Council reserve the right to allocate it to an applicant without any special need. The Council may also take into consideration whether a property, although not currently adapted, may be particularly suitable for adaptation and allocation for someone with special needs.

16.0 LOCAL LETTINGS SCHEMES

16.1 Local lettings schemes may be adopted:

- in order to support and sustain communities through the allocation process in accordance with agreements made between the Council, landowners, developers and housing associations;
- to address identified problems arising in specific areas; or
- to ensure that the aims and objectives of Rutland County Council's housing and planning policies are met.

16.2 Where such a scheme is adopted as a result of an agreement between the Council, landowners, developers and housing association, applicants will be housed in an agreed priority order as specified in that agreement. Most existing agreements in villages are similar in principle to the new example below, but the existing agreements tend to have a larger number of stages to be taken in turn and to varying timescales.

16.3 The new example below reflects experience which has shown that a simplified approach would reduce delays and assist applicants, shared owners and landlords. Some existing planning agreements are worded so that changes to the Council's Housing Allocation Policy can override the original wording in the section 106 agreement. Where this is the situation and the new wording is more appropriate, the team manager will write to the landlord accordingly regarding the details in the agreement that appear to have been superseded.

16.4 New or revised agreements are likely to be similar to the following example, which shows a descending order of priority from (a) to (c) used to make nominations to a housing association:

- (a) With equal level of priority, anyone who:
- has been living in the Parish for at least 9 of the previous 12 months OR
 - has been employed in the Parish for at least 9 of the previous 12 months OR
 - has moved or wishes to move to the Parish for the purpose of caring for elderly or infirm members of the family who live in the Parish OR
 - has moved or wishes to move to the Parish in order to receive care and support from members of the family who live in the Parish OR
 - has been resident in the Parish for three out of the last five years or has an immediate family member resident in the Parish for the past three years. (Immediate family means a parent, child or sibling. Step and half relatives count as full relatives.)
- (b) In the event that there are no individuals who qualify as suitable applicants pursuant to (a) above priority shall be given to suitable applicants from the neighbouring parishes.
- (c) In the event that there are no individuals who qualify as suitable applicants pursuant to (b) above priority shall be given to suitable applicants from other parishes within the County of Rutland.

In the case of rented properties, steps (a), (b) and (c) can follow directly on from each other without delay. In the case of shared ownership properties, 3 weeks is needed between steps (a), (b) and (c) provided they are fairly marketed. For shared ownership properties that are being resold, no local connection will apply after four months of marketing.

- 16.5 In other circumstances where a local lettings scheme is adopted, the details of these will be agreed and published by the responsible Director following consultation with the Portfolio Holder for Housing, the local ward member(s) and the Parish Council. In agreeing any such schemes the Council will ensure that, overall, reasonable preference for allocations is given to applicants in the categories listed in section 3.2 and that the policy does not discriminate, directly or indirectly, on racial or other equality grounds.

- 16.6 Local lettings policies adopted prior to the revised Housing Allocation Policy will remain in force unless they are specifically superseded (which may include updating as described in 16.3).

17.0 ALLOCATION OF PROPERTIES TO APPLICANTS

- 17.1 The Council will operate its housing register utilising a system, which awards points according to housing need. Each application is assessed against the points schedule as shown at Appendix 2 and an award is made accordingly. This gives applicants a relative priority on the housing register and will enable them to be short-listed for accommodation when it becomes vacant.
- 17.2 Allocations are routinely made to the applicant who has the highest number of points in a shortlist of applicants who have a need for and have expressed a preference for that type of property in the specific area.
- 17.3 If there are two or more applications with the same number of points, the following criteria will be considered by the operational supervisor (in the priority order given below) when making a nomination:
- i. the applicant who has worked in Rutland the longest and also lives in Rutland (this criterion will not be applied to accommodation for older people or people with special needs)
 - ii. the applicant who resides in Rutland and who has been registered in need the longest.
- 17.4 The Council will seek to use its housing register and the available housing association stock to the best of its ability. In some instances therefore, it may be prudent to ensure an allocation is made to a transfer applicant who has a lower level of priority points, so that the resulting vacancy is made available to a general applicant with a more acute housing need or where there are other management considerations in a particular case. These management allocations will be supported by a detailed report from the operational supervisor as to why they are necessary and be approved by the team manager.

18.0 TEMPORARY HOUSING

- 18.1 The Housing Allocations Policy deals with lettings of social housing intended for long term occupancy. This includes assured tenancies with private registered providers (normally housing associations). It also is intended to cover assured

shorthold tenancies with private registered providers where these are for more than one year, or are intended to lead to a longer tenancy in the same property following a starter, probationary or introductory period. It is also used to identify applicants for affordable home ownership and for private sector rented affordable housing.

18.2 In addition temporary housing may be granted in the following circumstances:

(a) Grant or Loan Aided Works

If an applicant lives in a property within the County and they have been approved to receive a private sector housing grant or loan.

(b) Major Works by a registered provider within the County.

Where the applicant lives in a registered provider (normally, a housing association) property within the County and major repair, redevelopment and refurbishment works are to be carried to the accommodation.

18.3 In these circumstances it may be possible to arrange temporary housing if they cannot stay in the property while the works are being carried out.

18.4 In all such cases a decision to offer temporary accommodation would be based on judgement about the extent of the work to be carried out and whether or not the applicant suffers from any ill health which would be aggravated by the nature of the works.

18.5 The Council may also use properties as temporary accommodation for homeless households using its powers under the Housing Act 1996 Part 7 (as amended), outside of this allocation policy.

19.0 WHAT POINTS ARE AWARDED FOR

Category 1 Property Hazards - Band A vulnerable

150 Points

Where a Housing Health and Safety Rating System (HHSRS) inspection of the property identifies at least one Category 1 hazard in Band A (excluding overcrowding).

Category 1 Property Hazards - Band B or C, or Band A non-vulnerable

50 Points

Where an HHSRS inspection identifies at least one Category 1 hazard in the property (excluding overcrowding) in Band B or C but none in Band A, or where a hazard is in Band A but where no members of the household seeking rehousing are in a vulnerable group for that hazard.

Category 1 Property Hazards points in any band will not be awarded if the issue might be easily rectified by the property owner, nor will they be awarded if no members of the household seeking rehousing are in a vulnerable group for that hazard.

HHSRS inspections are normally requested by the applicant and if needed are carried out by the Council's Environmental Protection team. HHSRS assessments by other councils, where the applicant is outside Rutland but qualifies for the Rutland housing register, will also be accepted where evidenced and undertaken by survey of the applicant's individual property.

If an applicant would be eligible for both Category 1 Property Hazard points and Lacking Amenities points, they will only receive the points from the highest scoring points category, to avoid double-counting.

Children Under 5 Living in Flats

Points
1st Floor (or basement)
– 20 Points

2nd Floor – 30 Points

If an applicant has one or more dependent children aged under 5 living with them (not just staying access) in a flat or maisonette, they will be awarded these points. These points will be awarded once, regardless of the number of children and will not be awarded for ground floor flats. Where the 'floor' to be used for pointing is not obvious, the flat's floor with living accommodation closest to ground level should be used.

Employment in Rutland

20 Points (for cases which do not qualify for 40 Points)

40 Points if currently living outside Rutland and the normal place of work is within Rutland and on a permanent contract (includes situations where the employee initially worked on a temporary basis, but was later taken on as permanent by the same employer.)

Employment in Rutland means paid work in Rutland by an applicant or joint applicant for at least 16 hours per week on average for the preceding six months, with a commonsense approach taken regarding brief periods of unemployment. This pay must be for at least the national minimum wage, except in cases of genuine self-employment or sheltered employment. Points are not awarded where the gross salary (including regular overtime) or income from the job, or jobs, for the relevant individual is more than £31,249 per year (1 April 2015 costs, subject to inflation). Armed Forces personnel are treated in the same way as other workers with their home base treated as their place of work. These points can only be awarded once per application.

These points are not awarded if the household has been awarded Social Need points for the 'Right to Move' (see Appendix 3), to avoid double-counting.

Family Connection with Rutland

10 Points

Where an applicant does not live in Rutland but has immediate family who live in Rutland.

Immediate family means a parent, child or sibling. Step and half relatives count as full relatives. These points can only be awarded once per application.

Homelessness

500 Points

Homelessness points cannot be awarded with Insecure/Temporary Accommodation points.

Persons where the Council owes a duty to secure accommodation under s.193 of the Housing Act 1996 (as amended) (that is, where the Council has a full homelessness duty). This does not include any households that are intentionally homeless.

100 Points

Other homeless households to which the Council has to provide reasonable preference under s.166A(3) of the Housing Act 1996 (as amended). (These households must still meet the housing register qualification criteria including Residence.)

Insecure/Temporary Accommodation

Points will be awarded if an applicant lives in insecure or temporary accommodation and is within two months of losing that accommodation. This will include

- ◆ Licensee under notice
- ◆ Persons of no fixed abode
- ◆ Lodgers under notice
- ◆ Private tenants under notice
- ◆ Owner-occupiers who are being repossessed
- ◆ Tied tenants who are required to leave
- ◆ People leaving institutions such as Care Homes, Hospitals, Prison etc.

There is no fixed time limit for these points, but they will be reviewed at least every two months to see if the insecurity remains. If the situation remains stable for some months, it might be assumed that there is no insecurity.

Once an applicant has made a homelessness application at any council, the correct level of Homelessness points will replace the Insecure/Temporary Accommodation points. Applicants who have been accepted as homeless anywhere (regardless of priority need or intentionality) and have refused a reasonable offer anywhere should have neither 'homelessness' nor 'insecure' points, unless there is a later change of circumstances.

Category A - 150 Points

Category B - 100 Points

Points are awarded at Category B, unless the applicant does not receive 150 or more points under any other single category and the specific additional criteria below for Category A are met. These are:

- where it appears to the Council that the household would be in 'priority need' as defined by Part 7 of the Housing Act 1996 (as amended), regardless of their homelessness status OR
- former Members of the regular Armed Forces who have left within the last ten years and have not been dishonourably discharged OR
- serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service OR
- bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner OR
- serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

Lacking Amenities

20 Points per amenity
lacking

Points will be awarded if an applicant lives in a location that lacks the following facilities:

- Inside WC
- Bathroom/Bathing Facilities
- Kitchen
- Living Room
- Any Means of Heating
- Hot Water Supply.

These points will not be awarded if the issue might be easily rectified by the property owner (perhaps through repairing a broken facility).

If an applicant would be eligible for both Category 1 Property Hazard points and Lacking Amenities points, they will only receive the points from the highest scoring category, to avoid double-counting.

Local Connection

50 Points

Where the allocation is being made in a Parish other than Barleythorpe, Oakham and Uppingham and the applicant already lives in the same Parish.

Lodging with Family or Friends

30 Points

This is where the applicant has been lodging with family or friends and wants to live independently, but is allowed to stay there for at least two months. It does not apply where the accommodation has been largely self-contained, or where there are Homelessness, Insecure / Temporary Accommodation, Overcrowding or Social Need points. Lodging with family or friends points can be awarded where the applicant has always lived with parent(s), but not in cases where the applicant has been staying with their partner or ex partner and wants to move out as these should be assessed under other categories, nor for house shares between friends or arranged with a private landlord.

Medical Grounds

Where an applicant has a medical need for rehousing. The Council may work with a Medical Advisor. Assessment will be based upon:

- How the medical condition affects the applicant's ability to cope in their home
- The suitability of their current home in terms of its type and location
- How the applicant's health would benefit from being rehoused
- Whether there is accommodation better suited to the applicant's needs (if the Council cannot nominate to more suitable housing, the applicant should not be awarded medical points)
- The kind of accommodation the applicant is seeking (an applicant seeking a move from a first floor flat to a house because of stairs would be unlikely to receive points).

An applicant's case will **not** be referred for assessment where the applicant states on their medical form that:

- Their medical condition is **not** affected by their current accommodation, **and**
- Their ability to live in their housing is **not** affected by their medical condition.

Category A - 250 Points

- Category A - where the applicant has a high medical need to move, and should be moved within six months

Category B – 150 Points

- Category B - where the applicant has a medium medical need to move, and should be moved within one year

Category C – 50 Points

- Category C - where the applicant has a low medical need to move, but it would be reasonable for them to wait at least a year.

Overcrowding

100 Points for each bedroom lacking

Points will be awarded if a separate bedroom is required for:

- ◆ Each couple living together
- ◆ A parent in a single parent family
- ◆ Each child aged 9 years or over who would otherwise have to share with someone of the opposite sex
- ◆ No more than 2 persons per room
- ◆ A single adult over the age of 16

If a member of the household has a bedroom but does not have access to it because of medical problems or property condition, this should be addressed through Medical points or Property Hazard points, not Overcrowding points.

A bedsit counts as one bedroom. Overcrowding points will not be awarded for extra bedrooms beyond the property the applicant is being considered for. For instance, a household may count as short of 2 bedrooms by the overcrowding criteria, but because of benefit restrictions or available properties can only be nominated to a property with one additional bedroom. They would therefore only receive 100 overcrowding points.

Where a person is sleeping in a car, an unconverted shed or sleeping rough, they lack a bedroom. Households in this situation, however, should not be awarded more than 100 overcrowding points. This is to avoid anomalies though double-counting where people are staying in groups and/or already receive points under other categories.

Residence in Rutland

10 Points for each full year's residence (up to a maximum of 50 points)

Points will be awarded to applicants who live within the County based on the period they were normally resident within it. This does not include any time spent in prison in Rutland.

Separated Families

100 Points

For households who could normally be expected to live together but are unable to do so because they have no suitable accommodation and where the accommodation applied for would address this problem. This factor looks at how the household could use their accommodation, not at how they choose to use it. (Where the applicant has staying contact with children who do not normally reside with them, these points will not be awarded.)

Social Need

Category A – 250 Points
(where the applicant can reasonably remain in their current home for up to 3 months). Can be awarded by the team manager.

Points may be awarded in special social or economic circumstances that do not fit into the other categories for which points are awarded. These may include situations where:

- there is proven violence or abuse and where safety or recovery would be helped by a move
- a move is to give or to receive substantial support or care from relatives
- there is a need to move to a particular place for access to special educational facilities or a place of employment
- multiple problems create an exceptional need
- the applicant has special welfare needs and would benefit from living in a more independent environment (for example, this may include care leavers).

Category B – 150 Points
(where the applicant can reasonably remain in their current homes for at least 6 months). Can be awarded by the team manager.

Where there are circumstances that result in someone being unintentionally unable to occupy accommodation Homelessness Points should be considered rather than Social Need.

Category C – 50 Points
(where the applicant can reasonably remain in their current home for up to a year). Can be awarded by the team manager or the operational supervisor.

In cases of homelessness **prevention** where the Council is facilitating a move to an identified property, Category C Social Need points may (where appropriate) be awarded in addition to Insecurity points, if it appears that the household would have been in priority need, unintentionally homeless and have a local connection.

People with learning disabilities on the Learning Disability Register (administered by the University of Leicester) or broadly equivalent will normally be allocated Category B points, where they need rehousing and this is supported by Rutland County Council's 'Inclusion' Team within the 'Learning' Service.

The 'Right to Move' for social housing tenants moving to Rutland for work is covered in Appendix 3.

Staying Contact with Children

60 Points

Points will be awarded where an applicant has staying access to one or more children. Staying contact means that the child stays overnight at least one night per fortnight (this can be averaged out through the year), and this must be confirmed by Court Order or the child's main carer. This is only awarded if current housing is preventing overnight access and/or there are specific welfare concerns AND if the accommodation being applied for would address these issues to an acceptable extent.

Time on the register

5 Points per year (to a maximum of 50 Points)

For every year an applicant is on the Housing Register, their points will increase. Where an application is from Members of the Armed Forces, periods of registration on housing registers in other parts of the UK can also be included where these have been continuous and can be evidenced.

If an application is cancelled and then reinstated less than a year later, points will be awarded from the date of the initial application. However, where an application is removed because of applicant was rehoused through a nomination, any new application will be dated from when the new application was received. If the applicant is on a wholly separate transfer list and joins the housing register later, the date used will be the date the applicant joins the housing register.

Under Occupation of family type housing

130 Points for each bedroom not needed (compared with the property size which they wish to move into - assessed in the same way as overcrowding).

These points are awarded to an applicant to enable them to move from family type housing (for example, a 2 or 3 bedroom house or maisonette) to rented affordable housing in Rutland with fewer bedrooms. Applicants who are applying for a move to properties of different sizes will be awarded points on the basis of the larger size. For example, a tenant in a 3 bedroom property who wants to move to a property with 1 or 2 bedrooms will be awarded 130 points.

These points are only awarded where the applicant is a Council or housing association tenant living in Rutland.

20.0 CHANGES OF CIRCUMSTANCE

- 20.1 If the applicant has a change of circumstances or address they must inform the Council as soon as possible. This will enable the Council to re-assess their application in order to ensure that they are awarded points appropriate to their housing need.
- 20.2 Allocations made on the basis of out-of-date or otherwise incorrect information may be withdrawn. Where a tenancy has begun, possession action by the landlord may occur.
- 20.3 It is an offence under section 171 of the Housing Act 1996 to knowingly or recklessly give false information or knowingly withhold information which the Council has reasonably required the applicant to give.

21.0 MAKING A NOMINATION

- 21.1 When a vacancy arises in the rented stock of a housing association within the County and the property has been made available for allocation through the housing register, an allocation will normally be made to the applicant with the highest number of points (provided the property has not been designated under paragraphs 3.6, 3.7 or 3.8 above).
- 21.2 An allocation is a nomination to a private registered provider (normally a housing association) for which the Council has nomination rights. Where a nomination is made, the housing association concerned will consider if the applicant is acceptable under their own lettings policy.
- 21.3 When an applicant does not wish to be nominated for a property or an offer is refused, they will be expected to provide the reasons why they did so. This information is necessary to identify why the property was not acceptable and to ensure that the Council understands better what the applicant is looking for.

22.0 REASONABLE OFFERS

- 22.1 Applicants will normally be made two offers of suitable accommodation before their application is deferred for 6 months. Applicants will not be penalised if the reasons for refusal are felt by the Council to be reasonable. Deferral will begin on the date that the second offer is refused. Deferral means that an applicant will remain on the housing register and will not leave any reasonable preference group, but that no offer will be made during the deferral period unless there are special circumstances

(for example, a substantial and unexpected increase in the applicant's housing need).

- 22.2 However, some applicants are either homeless, or threatened with homelessness, and refusal of an offer of housing will have greater consequences for these applicants.
- 22.3 Where the Council owes a duty to secure housing for an applicant under the Housing Act 1996 Part 7 s.190 or s.193 and intends to meet this duty through an offer from the housing register, the applicant will be advised that the Council does not have to provide a second reasonable offer of housing. If the applicant rejects this reasonable offer, the Council will consider that its duty is discharged and the applicant will have to find their own housing. However, if the applicant considers that the accommodation offered is unsuitable, they have the right to appeal on this point.
- 22.4 On occasion, the Council makes an offer of housing to an applicant who is known to be either homeless, or threatened with homelessness (but where no s. 190 or s.193 duty has yet been established). Where this applicant intends to reject the offer of housing, they will be advised of the possible consequences.

23.0 REVIEW OF HOUSING APPLICATIONS BY THE COUNCIL

- 23.1 Applications are normally reviewed annually on the date they were registered. This will be in writing and will be followed up, again in writing, if the applicant does not respond. This is to make sure that the applicant still requires housing and that their details and circumstances are the same. Applicants are required to respond to the Council within 28 days of the date of the first letter.
- 23.2 If there has been no contact, the application will be withdrawn and the applicant will be advised in writing of this. Should the applicant contact the authority within the following 12 months their previous application will be reinstated, including any elapsed time on register points.

24.0 REMOVING APPLICANTS FROM THE HOUSING REGISTER

- 24.1 Applicants will only be removed from the Housing Register if they:

- a) are ineligible for housing on grounds of immigration and nationality status or habitual residence status, as detailed in Section 8, or
- b) do not qualify under Sections 5, 6 or 7, or
- c) request their removal in writing, or
- d) fail to renew their application at the annual review, or
- e) fail to respond to written correspondence from the Council within 14 working days, and the letter advised the applicant that failure to respond would result in their removal from the Housing Register. In this situation, a reminder letter will always be sent prior to the applicant being removed from the register, or
- f) are a transfer applicant who is not entitled to be on the statutory housing register and, under the provisions of Sections 4 and 12 of this policy, is also not in a group entitled to be considered alongside housing register applicants.

25.0 REVIEW OF DECISIONS

25.1 If an applicant has

- been denied access to the register, or
- believes that their application has been incorrectly assessed, or
- had their level of priority points restricted, or
- considers that an offer of housing was not reasonable, or
- received any negative decision in relation to a homelessness application, or
- believes that accommodation offered to them as a homeless person was not suitable

they will be informed of this decision by letter, which will inform them of their right to a review. The letter must include information on exactly why they have been rejected and must have sufficient detail to allow the applicant to challenge the decision. The applicant must formally request in writing a review of the decision within 21 working days of the date of the decision, or event, about which they are seeking a review. This letter should be sent to:

Director for Places (Development and Economy)
 Rutland County Council
 Catmose
 Oakham
 Rutland LE15 6HP

- 25.2 The review will be carried out by an officer nominated by the responsible Director who has not been involved in the original decision and who is senior to the officer who took made it.
- 25.3 The Council will make a decision within 21 days of receipt of the written review request and if any further information is required, the period may be extended by agreement between the Council and the applicant.
- 25.4 When conducting the review, the council will consider any written representations made by the applicant or on their behalf and will carry out the review on the basis of the facts known at that time. Where the officer conducting the review believes that it would be beneficial to reaching a decision they may request that, or agree to a request that, the applicant attend a meeting at which they may make oral representations or at which they may be made on the applicant's behalf by a person of their choice.
- 25.5 The decision on the review and the reasons for it will be notified to the applicant in writing.
- 25.6 Where an applicant is a transfer applicant without reasonable preference and if the review request is outside the scope of the statutory requirements, the request will generally be addressed through the Council's published complaints procedure instead.

26.0 EQUAL OPPORTUNITIES

- 26.1 Councils are subject to the general public sector equality duty in the Equality Act 2010. As well as the duty to eliminate unlawful discrimination, they are subject to a duty to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not, and to foster good relations between persons who share a relevant protected characteristic and those who do not. The protected characteristics are age, race, disability, sex, pregnancy and maternity, sexual orientation, religion or belief, and gender reassignment.
- 26.2 Rutland County Council is committed to dealing with applications for accommodation fairly and honestly and to offer equality of opportunity to all applicants who are in housing need and want social housing. The Council has carried out an equality impact assessment on this policy.
- 26.3 In order to monitor performance, the Council will collect appropriate information from the application forms. All applicants will be required to provide necessary details at the point of application.

- 26.4 The information collected will be used to keep the policy under review and will be kept in the strictest of confidence and in line with the Data Protection Act 1998.

27.0 INFORMATION AND ADVICE

- 27.1 The Council provides advice and information in a variety of ways to ensure that any interested party is aware of how to make an application for inclusion on the Housing Register, the contents of the allocations policy and the likely housing options available to them.
- 27.2 The Council will ensure that assistance is available for anyone who may have difficulty in making an application.
- 27.3 The Council will publish a summary of its allocation scheme, which will be available free of charge to any member of the public who requests it. This full version of the allocation policy is available upon request.

28.0 RIGHT TO INFORMATION

- 28.1 All applicants have the right to request information about their application, how it is likely to be treated under the allocation policy and if and when accommodation is likely to be made available to them. Applicants also have the right, upon request, to be informed of any facts about their case, which have been, or are likely to be, taken into account in considering whether to make an allocation, except in the case of confidential information supplied by a third party on the basis that it would not be disclosed.

29.0 INDEPENDENT HOUSING ADVICE

- 29.1 Independent housing advice in Rutland is contracted to the Citizens Advice Bureau. The services that they offer include:
- advice and assistance with all aspects of housing law, including eviction, rent arrears, homelessness and rehousing, and disrepair
 - assistance relating to allocations and homelessness
 - advocacy/representation
 - debt and benefit advice.

30.0 CONFIDENTIALITY

- 30.1 Any information provided as part of the application process will be treated in the strictest confidence wherever possible and in accordance with current data protection legislation.
- 30.2 As a consequence of Data Protection legislation every applicant will be required to give consent for the council to make enquiries and exchange information relating to them with other agencies. In order to achieve this there is an appropriate disclaimer included within the council's application form for applicants to sign.

31.0 MONITORING AND EVALUATION

- 31.1 Lettings will be monitored and the allocations policy will normally be monitored and evaluated annually to gauge its effectiveness in meeting the aims and objectives outlined in sections 1 – 3. The outcomes of this evaluation process will form the basis of any subsequent recommendations for policy review.
- 31.2 The number of people rehoused through Social Points under the 'Right to Move' (see Appendix 3) will be monitored and compared with the Government's suggested target of 1% of moves. The Council has decided not to set a formal quota, as this would in Rutland amount to 1 or 2 lettings a year and demand and lettings are bound to fluctuate when the numbers involved are so low.

32.0 POLICY REVIEW

- 32.1 Elected Members are responsible for determining allocation policy and for approving any changes recommended as part of a policy review which would be made following consultation with tenants, private registered providers, relevant voluntary organisations and other stakeholders.

APPENDIX 1 – ELIGIBILITY OF HOUSEHOLDS FOR DIFFERENT TYPES OF HOUSING

Applicants generally under 60 years (at least one applicant for joint applications). 'X' means eligible. See also second table for applicants with some special needs and section 14 for further background including flexibilities. Single people and couples aged 50-59 and parent(s) over 50 with child / children (not just staying contact) can usually be considered for suitable housing under both this and the following table.

Applicant Type	Studio	1 bed house or flat	2 bed flat or maisonette	2 bed house	3 bed flat / maisonette	3 bed house	4 bed house (or suitable 3 bed 'parlour type')	5/6 bed house
Single Person	X	X						
Couple		X	X					
Single person or couple with access to child / children		X	X (if Staying Contact points)					
Parent(s) with 1 child			X	X				
Parent(s) with 2 children (same sex)			X (if both under 16)	X (if both under 16)	X (if one over 16)	X (if one over 16)		
Parent(s) with 2 children (different sexes or one over 16)			X (if eldest under 9)	X (if eldest under 9)	X (if eldest over 8)	X (if eldest over 8)		
Parent(s) with 3 children					X	X	X (if needed for over 16s to have own room)	
Parent(s) with 4+ children						X	X	X (very large families in exceptional cases)

Applicants generally over 50 years

Single people and couples aged 50-59 can usually be considered for suitable housing under both the table below and the table above. Parent(s) over 50 with child / children (not just staying contact) can usually be considered for suitable housing under both this and the first table.

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Single Person	1 bedroom bungalow, ground floor or first floor flat or studio flat (either supported, or older people / specialist without support)
Couple	1 or 2 bedroom bungalow / 1 st floor & ground floor flat (either supported, or older people / specialist without support)
Two or more persons (for example single person or couple and carer, or parent(s) with a child over 50, or parent(s) with access to child / children and Staying Contact points)	2 bedroom bungalow / ground floor flat (either supported, or older people / specialist without support)

Notes:

Paragraphs 14.6 and 14.7 set out circumstances where these properties may sometimes be let to people who are younger or have disabilities.

In the case of a joint application, only one party need be over 50. In the case of sole applications, the applicant must be aged 50 plus.

APPENDIX 2 – PRIORITY POINTS SUMMARY

Circumstances	Points Awarded (new scheme)
Category 1 Property Hazards (Band A and vulnerable group)	150
Category 1 Property Hazards – other	50
Children aged under 5 living in flats, excluding ground floor:	
1 st Floor	20
2 nd Floor	30
Employment in Rutland (not awarded with Social Need points for the “Right to Move”).	20 (if working in Rutland) 40 (if working permanently in Rutland but living outside)
Family connection with Rutland	10
Homelessness	
Unintentionally homeless and where the Council owes a full homelessness duty under the Housing Act 1996	500 (and provision to ring-fence properties if necessary)
Intentionally homeless in priority need and meets residence qualification criteria	100 (but will need to pass residency qualification to join the register)
Unintentionally homeless persons not in priority need and meets residence qualification criteria	100 (but will need to pass residency qualification to join the register)
Other homeless persons receiving advice and assistance or in accommodation secured for them, or where the Council can refer to other areas	100 (but will need to pass residency qualification to join the register)

Circumstances	Points Awarded (new scheme)
Insecure/Temporary Accommodation	Category A 150 Category B 100 (not awarded with homelessness points - reviewed at least every 2 months)
Lacking Amenities	20 per facility (where also eligible under Category 1 Property Hazards, points will only be awarded for the highest scoring category)
Local Connection Same Rural Parish	50
Lodging with Family or Friends	30
Medical Grounds Category A	250
Medical Grounds Category B	150
Medical Grounds Category C	50
Overcrowding	100 per bedroom lacking
Residence in Rutland	10 per year (up to a maximum of 50 points) and a residency qualification to join the register
Separated Families	100
Social Need Category A	250
Social Need Category B (including "Right to Move" Category B)	150
Social Need Category C (including "Right to Move" Category C)	50
Staying Contact with Children	60 (if meet criteria)
Time on the register	5 per year (up to a maximum of 50 points)
Under Occupation of family type housing	130 per bedroom surplus to need

APPENDIX 3 – THE ‘RIGHT TO MOVE’

A3. Introduction

A3.1. ‘Right to Move’ priority where applicable is given through the award of ‘Social Need’ points. Under the national ‘Right to Move’ initiative, transfer applicants from outside Rutland who meet the criteria can join the housing register and receive a certain degree of priority through the award of Social Need points, if:

- they need to move to Rutland to take up an offer of employment based here or to keep an existing job here, to avoid ‘hardship’ for themselves or another family member
- the work must not be ‘marginal’ and the applicant must intend to take up the offer or to continue working here. Normally this would mean it should be for at least 16 hours per week, for at least the national minimum wage or be an apprenticeship, and be expected to last for at least one year.

A3.2 ‘Transfer applicants’ are current tenants of social landlords that are registered providers and who request their own transfer.

A3.3 In determining hardship, the Council will take into account:

- distance and/or time taken to travel between work and home
- the availability and affordability of transport, taking into consideration level of applicants earnings
- the nature of work and whether similar opportunities are available closer to home
- other personal factors e.g. medical care, child care which would be affected if applicant could not move
- the length of the work contract
- whether failure to move would result in the loss of opportunity to improve their employment prospects etc.

A3.4 The Council then needs to consider whether the above or similar relevant factors cause a risk of short-term crisis/substantial inconvenience and/or medium-/long-term risks to welfare and prospects.

A3.5 The onus is on the applicant to provide the information needed to evidence the ‘Right to Move’, but the applicant should be asked to supply it if it appears from their application that the Right to Move might apply.

- A3.6 A moderate or medium level of hardship would lead to the award of Social Points at Category C (50 points) and a substantial level of hardship the award of points at Category B (150 points). (A 'slight' level of hardship would be a contradiction of terms in this context.)
- A3.7 Applications can only receive one set of Social Need points at a time.
- A3.8 Employment in Rutland points are not awarded if the household is receiving Social Need points for the 'Right to Move', to avoid double-counting.
- A3.9 The arrangements for monitoring the operation of the 'Right to Move' are in paragraph 31.2 of the Housing Allocation Policy.

A large print version of this document is available on request



Rutland
County Council

Rutland County Council
Catmose, Oakham, Rutland LE15 6HP

01572 722 577
enquiries@rutland.gov.uk
www.rutland.gov.uk

PLACES SCRUTINY PANEL

26 November 2015

PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

Report of the Director for Places (Development & Economy)

Strategic Aim:	Building our Infrastructure Meeting the health & wellbeing needs of the community	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr T C King, Deputy Leader and Portfolio Holder for Places (Development and Economy) and Resources	
Contact Officer(s):	Paul Phillipson, Director for Places (Development & Economy)	01572 758321 pphillipson@rutland.gov.uk
	Brett Culpin, Community Infrastructure and Planning Obligations Officer	01572 758251 bculpin@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Panel considers the Planning Obligations Supplementary Planning Document set out at Appendix A and that any comments be reported to Cabinet as appropriate.

1 PURPOSE OF THE REPORT

- 1.1 To consider a review and update of existing Supplementary Planning Documents (SPDs) relating to planning obligations in the light of consultation responses, to be applied alongside the Council's Community Infrastructure Levy (CIL) Charging Schedule.

2 BACKGROUND

- 2.1 There are two currently adopted SPDs on planning obligations which provide guidance on the adopted local plan:
- Planning Obligations and Developer Contributions SPD adopted in June 2010;
 - Developer Contributions to Off-Site Affordable Housing SPD adopted in June 2012, which required sites of any size to make provision towards affordable housing.
- 2.2 There are three related reasons for reviewing and updating these SPDs:

- the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG) have introduced changes in the way that planning obligations can be applied;
 - Government has established CIL as an alternative way of securing developer contributions towards community infrastructure to help mitigate the impact of planned growth, which will be implemented across Rutland in early 2016;
 - consolidation of the two current SPDs and associated informal guidance into a single document.
- 2.3 Following the approval of the Council's CIL Charging Schedule by the Examiner, it is essential that a clear revised SPD is agreed that explains where, when and how section 106 obligations will be sought to resolve matters that CIL cannot address (such as the provision of affordable housing).
- 2.4 The role of the revised SPD will be to provide policy guidance relating to the use of section 106 legal agreements to secure any or all of the following:
- affordable housing (as this falls outside the scope of CIL), to secure provision either on-site or through off-site provision including commuted sums;
 - infrastructure, such as the provision of on-site public open space, which is required as a result of specific development (and which is not included in the CIL Regulation 123 list which identifies items of community infrastructure to be funded from CIL);
 - commuted sums for the maintenance of facilities/infrastructure that the developer would like another body to adopt; and
 - measures to mitigate the impacts of development (for example, relating to environmental mitigation, archaeology, transport, highways and access etc.). In the case of highways work, this can include the use of section 106 and/or section 278 planning obligations which are both covered by the draft revised SPD.
- 2.5 A Ministerial Statement in November 2014 was followed by changes to the national PPG. These appeared to mean that sites of fewer than 11 dwellings in Oakham and Uppingham and sites of fewer than 6 dwellings elsewhere in Rutland would generally no longer be required to make contributions through section 106 agreements towards community infrastructure and affordable housing. The revised PPG also introduced a Vacant Building Credit to standardise how councils should off-set some of the section 106 liability on residential developments where part demolition or conversion of vacant property was involved.
- 2.6 Accordingly, Cabinet agreed in January 2015 that Rutland would implement these national changes with immediate effect (minute no. 9/2015 refers), to be followed by consultation on a revised SPD incorporating the national policy changes. The public consultation was held for 6 weeks during May and June 2015. A summary of responses and Officer comments on these are attached at Appendix B.
- 2.7 However, the Government's policy guidance was withdrawn following a Judicial Review in July 2015 and therefore the first draft revised SPD has not been adopted. Although the Government were granted leave to appeal the judgment in

September, the need to adopt the SPD is pressing and the Council has to give guidance based on current local policy and the revised PPG following the Court ruling.

3 CONSULTATION ON THE SECOND DRAFT REVISED SPD

- 3.1 A second draft revised SPD was then prepared to re-align the Council's approach with the Council's local plan and the PPG. The opportunity has also been taken to exempt new proposals for single dwellings from providing affordable housing to help to bring forward sustainable development. The second draft revised SPD retains the proposed reduction in the normal affordable housing requirement from 35% to 30% for viability reasons, which was also in the first draft. The second draft also takes into account responses from the first consultation.
- 3.2 The Local Plan Members Working Group (LPMWG) at its meeting on 11 September 2015 considered the second draft revised SPD and the timetable for consultation. The LPMWG asked about the number of dwellings at which affordable housing contributions began, phasing of levels and times of payment and the need to ensure that the provisions were enforceable in practice.
- 3.3 The second draft revised SPD was consulted on for a four week period from 24 September to 22 October 2015. A summary of responses and Officer comments on these are attached at Appendix C.

4 FINANCIAL IMPLICATIONS

- 4.1 Alongside CIL, this SPD will help the Council in managing the provision of adequate infrastructure and Affordable Housing to support the growth planned across Rutland in accordance with the aims and objectives of the Council's Local Plan.
- 4.2 The payment of financial contributions to meet the planning obligations will help fund infrastructure provision and Affordable Housing either directly by the Council or through stakeholder service providers.
- 4.3 There will be some financial costs involved in advertising and publicising the adoption of the document that will be met within existing mainstream budgets.

5 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 5.1 The revised SPD will provide clear, consolidated guidance on planning obligations in the context of CIL. It will help to facilitate sustainable development which addresses site-specific infrastructure requirements.
- 5.2 The second draft revised SPD has been amended further in the light of responses from the two public consultation stages. The revised SPD proposed for adoption is attached at Appendix A.
- 5.3 Following consideration by the Places Scrutiny Panel, the proposed document together with any comments will be considered by Cabinet.
- 5.4 Subject to Cabinet approval, it is intended that the document be recommended for adoption to Council on 11 January 2016. Once adopted, they will provide guidance

and be a material consideration when determining planning applications in Rutland, alongside the Community Infrastructure Levy Charging Schedule.

6 BACKGROUND PAPERS

6.1 There are no additional background papers to the report.

7 APPENDICES

7.1 Appendix A – Planning Obligations Supplementary Planning Document

7.2 Appendix B – First Draft Planning Obligations Supplementary Planning Document
Summary of Consultation Responses

7.3 Appendix C - Second Draft Planning Obligations Supplementary Planning
Document Summary of Consultation Responses

A Large Print or Braille Version of this Report is available upon request –
Contact 01572 722577. (18pt)



Planning Obligations Supplementary Planning Document



November 2015

Planning Obligations Supplementary Planning Document

Title

Planning Obligations Supplementary Planning Document

Subject matter

To provide supplementary guidance on Policies CS8 (Developer contributions) and CS11 (Affordable housing) in the Core Strategy Development Plan Document (adopted July 2011) and the implementation of Planning Obligations in the Local Plan.

Adoption Date

The Planning Obligations Supplementary Planning Document was adopted by the Council on 11 January 2016 and will come into effect from 1 March 2016. This document can be made available on request in large print or Braille by contacting:

Planning Policy and Housing Team
Rutland County Council
Catmose
Oakham
Rutland
LE15 6HP
Tel: 01572 722577
Fax: 01572 758373
E-mail: localplan@rutland.gov.uk
Web: www.rutland.gov.uk/localplan

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1 Introduction

- 1.1 This Supplementary Planning Document (SPD) sits alongside and is linked with the Council's proposed adoption of a Community Infrastructure Levy (CIL). Together the SPD and CIL will promote essential, sustainable and viable growth, including the provision of necessary infrastructure and (where applicable) Affordable Housing. The SPD is aimed at developers, agents, the general public and other stakeholders and statutory agencies. It facilitates sustainable growth by setting out when planning contributions will be sought and how they will be used.
- 1.2 This document provides more detailed guidance relating to the use of the principal policies in the Local Plan regarding Planning Obligations, which are Policies CS8 (Developer contributions) and CS11 (Affordable housing) in the Core Strategy DPD (adopted July 2011). It will also be relevant to mitigating the effects of development under other policies, which are summarised in Appendix A of this SPD. Further information on CIL is provided in paragraph 2.5 of this SPD.
- 1.3 All development has the potential to impact on the environment, and place pressure on local infrastructure and services. The planning system should be used to ensure that new development contributes positively to the local environment, and helps to mitigate against any adverse impacts on infrastructure.
- 1.4 In Rutland, legal agreements (known as 'planning obligations') have typically been entered into with developers to help secure essential infrastructure, or other benefits. Planning obligations are usually sought under section 106 of the Town and Country Planning Act 1990, but can also be sought under other legislation such as section 278 of the Highways Act 1980 (as amended) for highways works. In all cases planning obligations must have robust justification and be fully evidenced.
- 1.5 However, the introduction of a Community Infrastructure Levy (CIL) Charging Schedule in 2015/16 means that many future contributions towards the provision of community infrastructure and services will be made in the form of CIL payments, rather than through planning obligations.
- 1.6 In Rutland, there will be no Affordable Housing required from single dwelling sites, unless the dwelling is on a rural exception site.
- 1.7 For sites of 2 to 5 dwellings inclusive Affordable Housing requirements may be met off-site through the payment of a commuted sum (except in the case of rural exception sites).
- 1.8 Affordable Housing contributions will also not be sought from any development consisting only of the construction of a residential annex or extension within the curtilage of an existing dwelling.

- 1.9 The Government's view is that there should be no Affordable Housing requirement from 'starter homes' on brownfield exception sites, as defined by the Ministerial Statement of 2 March 2015 and the Planning Practice Guidance (PPG), anywhere in Rutland. This area of policy is evolving and the Council will consider the implications of applications for brownfield starter homes on their merits in the light of local and national policy and legal requirements.
- 1.10 It is important to note that planning obligations to secure essential site specific physical infrastructure may be required to make any development acceptable, irrespective of its size.
- 1.11 The number of developments needing to enter into planning obligations will be less in the future when CIL is adopted and applied. This SPD aims to provide developers, agents and applicants with:
- an overview of the Council's approach to securing mitigation through planning obligations and CIL;
 - clarification on the relationship between planning obligations and the Community Infrastructure Levy;
 - guidance on the type and nature of planning obligations that may be sought, and the basis for charges.
- 1.12 When adopted by the Council alongside CIL this SPD will be a material consideration when determining planning applications. It will replace the following local planning policy documents applied by the Council to determine planning obligations:
- The "Planning Obligations and Developer Contribution Supplementary Planning Document 2010"
 - The "Developer Contributions to Off-site Affordable Housing Supplementary Planning Document 2012" and
 - The "Guidance on the Council priorities in negotiating Planning Obligations and Developer Contributions 2010".
- 1.13 Non-residential developments, particularly retail, business/industrial, waste and minerals, will be considered on a case by case basis. The Council will not "double-dip" by charging for the same items of infrastructure through both planning obligations and CIL.

Transitional arrangements

- 1.14 Provision is made in this SPD for the continued reliance, where development is underway, of signed section 106 agreements entered into prior to the adoption of this SPD. There are agreements for example that commit tariff style developer contributions entered into in accordance with the 2010 SPD.
- 1.15 Where a planning permission has started (i.e., there is "commencement of development" or "implementation" as defined in a signed legal agreement) the

agreement will not be fully discharged until all trigger points for payments and any other requirements contained in the agreement have been met and development is complete.

- 1.16 The aim of waiving the Affordable Housing requirement for single dwellings is to enable genuinely new proposals for sustainable development to be brought forward. Where there is an existing consent for a single dwelling with an Affordable Housing requirement and that planning permission has started, the Council is unlikely to waive the Policy CS11 affordable housing requirement through Policy SP1 if a subsequent relevant application is made on the same or substantially the same site.

2 Policy background

National planning policy

- 2.1 The 1990 Town and Country Planning Act (as amended by the Planning and Compensation Act 1991 & Planning Act 2008) has established the statutory framework for developer contributions in the form of section 106 planning obligations.
- 2.2 The Community Infrastructure Levy Regulations 2010 (as amended) (“the CIL Regulations”) changed the arrangements for section 106 planning obligations. Regulation 122 of the CIL Regulations contains 3 statutory tests for the scope and appropriateness of seeking developer contributions:-
- ‘(a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.’
- 2.3 These are also set out as policy tests in the National Planning Policy Framework (NPPF).
- 2.4 A fundamental principle of planning obligations is that they are not used to ‘buy’ a planning permission nor should they be used as a means of taxing a developer. Therefore a development which is unsuitable in planning terms cannot be made acceptable by applying developer contributions to the scheme. Planning obligations also cannot be sought or used to mitigate an existing problem in the area; they can only be sought against a future need that would be created by the proposed development and that remains within the scope of section 106 agreements.
- 2.5 The Community Infrastructure Levy Regulations (2010) specify that when the levy is introduced, regulation 123 limits the use of planning obligations where there have been five or more obligations in respect of a specific infrastructure project or type of infrastructure entered into on or after 6 April 2010. This restriction does not apply to financial contributions for Affordable Housing. The restriction on pooling is because the Government is encouraging the adoption of CIL by councils. CIL will replace the use of Section 106

agreements for most new developments. CIL provides a more predictable funding stream so that infrastructure projects can be delivered more effectively, as well as providing greater certainty for developers. This is because it is set at a rate of £ per m² on the Gross Internal Area of the qualifying building.

- 2.6 Where CIL has been introduced, a 'Regulation 123 list' will set out the types of community infrastructure projects on which CIL monies will be spent locally. Planning obligations cannot be sought from a developer towards items of infrastructure identified on the Regulation 123 list. This is because payment of CIL, where applicable, will be required instead and a developer should not be asked to pay twice for the same item of infrastructure.
- 2.7 Where there are additional requirements for site-specific physical infrastructure on or serving the site, without which the scheme could not proceed, these can still be sought through a planning obligation if they are not on the Regulation 123 list.
- 2.8 Paragraphs 173 to 177 of the NPPF set out the Government's expectations regarding planning obligations and the requests made of developers. Further information is included in the PPG.
- 2.9 Changes to the PPG on planning obligations were made on 28 November 2014. This advised that councils should not generally seek Affordable Housing provision or tariff-style contributions on residential sites of 10 dwellings or fewer with an overall floorspace of not more than 1,000m². The main exceptions to this were for rural exception sites for Affordable Housing, or where a council has decided to charge sites of 6-10 dwellings in Designated Rural Areas under section 157 of the Housing Act 1985.
- 2.10 Following a successful Judicial Review of this change in government guidance, announced on 31 July 2015, the PPG was revised on 3 August 2015 with all the new guidance contained in paragraphs 012 to 023 of the PPG being removed.

Local planning policy in Rutland

- 2.11 On 6 January 2015, the Council formally resolved to implement the changes to the PPG introduced in November 2014, including the lower threshold for Designated Rural Areas (which were parishes in Rutland except for Oakham and Uppingham). This was incorporated into an earlier draft of this SPD which was the subject of public consultation over a 6 week period in May – June 2015.
- 2.12 However, following the further recent changes to national guidance, the opportunity has been taken to confirm the position going forward in a revised version of the SPD. It is proposed that this should be based on Policy CS11 (Affordable housing) which as written would normally require affordable housing provision from residential developments of any size. However, in the light of the more recent Policy SP1 (Presumption in favour of sustainable

development) affordable housing will not be required from single dwelling developments unless they are rural exception sites.

- 2.13 The SPD should be considered in conjunction with the Council's Community Infrastructure Levy Charging Schedule (which sets charges on residential, retail and some other forms of development), the Regulation 123 list and the accompanying CIL Guidance Note for applicants. These can be viewed at www.rutland.gov.uk/localplan.
- 2.14 The SPD needs to be read in conjunction with Policies CS8 (Developer contributions) and CS11 (Affordable housing) and their supporting text which are in the Council's Local Plan. The SPD provides further guidance on these policies. Neighbourhood Plans may also be relevant. More information on Policies CS8 and CS11 and other relevant Local Plan policies is included in Appendix A of this SPD and can be viewed at www.rutland.gov.uk/localplan.
- 2.15 Further additional information regarding the Council's policies is included in Appendix B for Affordable Housing and in Appendix C for Recreation, Sport and Leisure.
- 2.16 It has been necessary to screen the SPD proposals for impacts on the environment and habitats to determine whether a sustainability report is necessary to comply with the EU Strategic Environmental Assessment (SEA) Directive. On the basis of the screening assessment, it is considered there will not be any likely significant environmental effects arising from the SPD and as such, the SPD does not require a full SEA to be undertaken. The screening assessment can be viewed at;

[Sustainability Assessment Screening Report \(PDF\) Sept 2015](#)

3 The Council's approach to developer contributions

- 3.1 This section sets out the Council's general approach towards seeking planning contributions from development schemes and the interaction with CIL.
- 3.2 In all cases where planning permission is required, it will be necessary to assess the potential impact of the proposed development and the scope for planning obligations to mitigate any adverse impact. This will always be the case, whether CIL is being applied or not.
- 3.3 Appropriate planning obligations would include essential site specific physical infrastructure, for example, the provision of specified highway works, or re-alignment of public rights of way needed before development could take place. Other infrastructure requirements may include flood defence or drainage improvements and other essential utility investment, including where applicable, adequate street lighting or superfast broadband connections. In an area rich with historic buildings and archaeological remains, in some cases it

may be necessary for a planning obligation to mitigate impact if a planning condition could not do so satisfactorily. What will not be included is any requirement to enter into a tariff-style contribution to infrastructure. That kind of investment will be secured through CIL. It may also be necessary to seek contributions to fund measures with the purpose of facilitating development that would otherwise be unable to proceed because of regulatory or EU Directive requirements, such as addressing certain environmental issues.

- 3.4 CIL payments will be sought in line with the Council's adopted CIL Charging Schedule to pay for items on the Regulation 123 list to help address the impact of the development on the capacity of the local infrastructure of community services and facilities. In addition, developers will be expected to mitigate any impact on the environment or local infrastructure that arises directly as a result of the development that is not covered by CIL through the Regulation 123 list. Further details are included in sections 4 and 5 and in Appendix D. Appendix D confirms that, after the payment of CIL is allowed for, the highest priority ("Priority One") will be given "to provide for the physical infrastructure needed to deliver the project, as without this the scheme will not proceed."
- 3.5 Affordable Housing will also continue to be provided through planning obligations. 'Starter homes' on brownfield exception sites, as defined by the Ministerial Statement of 2 March 2015, are not Affordable Housing but will require planning obligations that protect their use as 'starter homes' to the extent permitted by national planning policy. Therefore, although the scope of planning obligations was scaled back after 5 April 2015, they will still be sought in relation to the following:
1. Affordable Housing (as this falls outside the scope of CIL). Further information is in Appendices A & B
 2. 'Starter home' developments on brownfield exception sites (subject to emerging national policy)
 3. Infrastructure which is required as a result of specific development (and which is not included in the CIL Regulation 123 list). One common example would be the provision of on-site public open space
 4. Commuted sums for the maintenance of facilities/infrastructure that the developer would like another body to adopt; and
 5. Mitigating the impacts of development (for example, relating to environmental mitigation, archaeology, transport, highways and access etc.).
- 3.6 CIL is expected to require a review of its level, including viability, every 3 years. This is critical when a Council's local plan is being reviewed over an extended period (as is currently the case with the Rutland Local Plan). As

part of the review, a reassessment of infrastructure priorities will be needed as well as the appropriate CIL rates. The impact on section 106 will be such that a combined review is likely to be the most appropriate way forward.

4. Planning Obligations, the Development Control process, payments of contributions and indexation

Planning Obligations

- 4.1 Planning obligations are usually in the form of either a unilateral undertaking or a bilateral legal agreement.
- 4.2 Examples of agreements to be used in Rutland can be found on the Council's website at www.rutland.gov.uk/localplan. In rare cases, various service providers may be signatories to the final planning agreement, depending how resources are to be allocated.

The Development Control process

- 4.3 The Council will always use best endeavours to conclude negotiations on planning obligations within statutory timescales. However, given the various recent changes identified earlier, most development proposals that require obligations will now be major development schemes, 'starter homes' or developments requiring Affordable Housing. The Council will expect a Preliminary Enquiry submission prior to formal submission of a planning application, enabling the specific requirements to be identified at an early stage.
- 4.4 As part of the submission of a planning application for any major development, a statement summarising any provisions to be delivered by section 106 obligation to address policy and site specific requirements is likely to be helpful. In all cases the Council will ensure that all relevant service providers, including external organisations, are consulted on the proposed development in order to establish essential infrastructure priorities.
- 4.5 Where a planning obligation is required, a draft agreement will need to be included as part of the application submission that includes the main 'heads of terms', full details provided of the applicant's legal representative responsible for progressing the obligation, proof of title, details of all parties with an interest in the land and the applicant's agreement to pay the Council's reasonable legal costs incurred in preparing and/or completing the agreement.
- 4.6 Timely resolution of legal agreements can also be best achieved where applicants commit to paying for the legal costs incurred by the Council in drawing up the agreement at the time the planning application is submitted. This will ensure prompt commissioning of the legal work by the Council. The

Council will generally seek to avoid setting a strict timeframe which, if not met, could result in an unhelpful refusal of the planning application.

- 4.7 Where there is failure to agree on the obligations required, the Council may make provisions for independent arbitration in accordance with any national measures in place at that time. Where there is a subsequent failure to complete the agreement within a reasonable timescale, however, the status of the application and the planning merits of the proposals will be subject to review by the Council. The review will take account of prevailing planning circumstances, including the absence of the measures required to be delivered through a section 106 obligation to make the application acceptable. Where there is no reasonable justification for the delay in completing the agreement, this may lead to an amended recommendation and ultimately a refusal of the application.

Trigger points and phased contributions

- 4.8 'Trigger points' are stages within a development at which payment of a contribution or provision becomes necessary; examples include: 'upon commencement', 'upon the occupation of the nth open market dwelling', 'prior to _____ occurring'. During the negotiation process, trigger points for each planning obligation will be agreed upon between the developer and the Council which will be included within the section 106 agreement. In most cases, the Council and the developer will be able to agree an appropriate approach, but an independent viability appraisal may be needed if the scale of the obligations or the impact of the proposed phasing of the contributions required by the Council is considered to threaten the viability - and therefore deliverability- of the proposals.
- 4.9 Trigger points should be both clear and reasonable, with the aim of securing the full delivery of both the development and the necessary planning obligation. Where a financial contribution is required, the trigger point will normally be upon the signing of the obligation if a unilateral undertaking is used, or the commencement of development.
- 4.10 The Council will consider the use of different or multiple trigger points, such as practical completion or occupation, to help enable development to proceed where justified and practicable, whilst securing the timely provision of the necessary obligations. In some cases, such as the provision of Affordable Housing on-site, provision would not normally be possible until some time after the commencement of development.

- 4.11 The timescale for development can be influenced in part by the site and infrastructure works required initially or before a certain phase or aspect can commence. This should be discussed with the Council at the pre-application stage. This is particularly likely to be the case for large developments which may take place over an extended period of time with a trigger point timetable relative to overall and/or phase build-out. For instance, where a large residential development is phased, there could be a number of trigger points for Affordable Housing for each phase, as well as trigger points for the delivery of Affordable Housing for the development as a whole; a number of other trigger points could also be used for other items of key site specific infrastructure.
- 4.12 Developers will normally be required to serve notice upon the Council in writing, addressed to the Planning Policy and Housing Manager, within 5 working days of the trigger point being reached.

Indexation

- 4.13 Indexation will be used in the calculation of the payment of contributions in accordance with the legal agreement. In accordance with the CIL Regulations, financial contributions will normally be linked to the national All in Tender Price Index of Construction Costs published and reviewed regularly by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. This will reflect the inflation costs between the completion of a Section 106 agreement and the relevant payment date. In the event that the BCIS index ceases to be published, a reasonable equivalent index will be specified by the Council.

Late payment of contributions

- 4.14 Late payment of contributions (more than three weeks after the specified trigger points) without the written agreement of the Council will result in a reminder letter. Non-payment within 30 calendar days of the date of the invoice by any developer or their agent will result in the Council pursuing appropriate action (including legal action where necessary) to ensure prompt payment of outstanding amounts. Any unpaid amounts, including interest and associated costs, will be pursued.

5 Development viability, discounts and deferred contributions

- 5.1 All relevant developments are required to pay the approved rate of CIL for Rutland. The Council commissioned high-level viability work shows that the level of Planning Obligations required is normally viable, taking CIL into account. The CIL Viability Study Update June 2014 allows for up to £2,500

per dwelling for 'incidental' section 106 charges for essential investment without which the planning application could not be granted, as part of the calculation showing that a residential CIL rate of £100/m² is viable across Rutland.

- 5.2 Where viability is identified as an issue, a site specific financial evaluation will be required to demonstrate to the Council that a scheme will be unviable as a consequence of developer contributions being sought through Planning Obligations. Any such claims will need to be confidentially validated using an open book financial appraisal by an independent third party in advance of a planning application being submitted. The Council will arrange the financial viability appraisal with an independent third party (for example, the Valuation Office Agency (District Valuer) may be used), which the applicant will be required to pay for in advance.
- 5.3 Based on the independent viability findings, developer contributions may be discounted, phased or deferred where this would not make the development unacceptable in planning terms. This retains a degree of flexibility in applying requirements where affordability based on development viability is clearly demonstrated, without compromising the planning necessity for identified infrastructure. Appendix D provides guidance on the Council's priorities in these circumstances.

Discounted or Deferred contributions

- 5.4 A discounted contribution is allowed for when the level of provision agreed is less than is normally required (following the viability process outlined above) but where the application is still suitable for approval in planning terms.
- 5.5 Where the viability assessment suggests that a deferred contribution is justified to offset short term viability constraints, the Council may seek to include provisions in the section 106 agreement to recover all or part of the obligation at a later stage in the delivery of the project. This is particularly likely to be used for larger developments, where it may be a significant period of time before the development becomes fully available for use. Where agreed, this will be included within the planning obligation.

6 Spending of commuted sums

Pooling of Planning Obligations

- 6.1 Where the combined impact of a number of developments creates the need for infrastructure, services and facilities it may be reasonable for the developers' contributions to be pooled. Where development has an impact which is not addressed by CIL, but does not sufficiently justify the need for a

discrete piece of infrastructure, the Council may seek contributions to specific future provision as long as the need is demonstrable.

- 6.2 The Community Infrastructure Levy Regulations (2010) specify that regulation 123 limits the use of planning obligations where there have been five or more obligations in respect of a specific infrastructure project or type of infrastructure entered into on or after 6 April 2010.
- 6.3 Where a number of developments are expected to contribute to the provision of infrastructure that is not covered by CIL, the financial contribution will be ring fenced for the identified pooled infrastructure and held either by the Council or the direct provider where this is a separate organisation. It will be released as quickly as is possible to infrastructure providers in order to ensure timely implementation or commissioning of the relevant works. The monitoring database will make clear where development funding has come from to deliver each scheme.

Time Period for Spending Submitted Contributions

- 6.4 Legal agreements will specify a time period within which any submitted contributions must be spent, committed or allocated (where no phasing is otherwise agreed as part of the agreement). The usual time period for spending, or committing to spend, or allocating contributions is ten years from the date of payment unless otherwise agreed between the applicant and Local Planning Authority. There must be certainty that a scheme will be forthcoming in such circumstances as it is unreasonable to hold funds in perpetuity. Where contributions have not been spent, committed or allocated within the specified time period, the Council as the accountable body will arrange to return any unspent monies, including any interest earned, from itself and appropriate service providers when requested in writing by the applicant.

Distribution of Monies

- 6.5 Where financial contributions are paid through a planning obligation and are to be spent, or committed, or allocated by the Council and appropriate service providers, they will be accounted for in such a way that contributions can be clearly identified and spent on the purposes for which they were intended. The Council will make available to the developer through the monitoring process information that identifies how and where their contributions have or will be spent by the Council and appropriate service providers.
- 6.6 Any contributions received on behalf of third parties who are not signatories to the planning obligation shall be passed on to them.

7 Monitoring and review of developer contributions

- 7.1 The monitoring of planning obligations will be undertaken by the Council to ensure that all obligations entered into are complied with on the part of both the developer and the Council. Enforcement action may be taken by the Council where conditions or planning obligations are not being complied with.
- 7.2 Monitoring information detailing the agreements and the progress of agreements will be kept by the Council; monitoring reports will be produced annually detailing information relating to all agreements entered into, financial contributions received and the completion of proposals funded from financial contributions. The process will ensure prompt and strategic spending of financial contributions once they have been received, and will provide assurance that obligations have been spent in full and appropriately.

Cost recovery

- 7.3 Developers will be liable for all of the Council's and other service providers' legal fees for the processing, preparation and conclusion of legal agreements. Government advice considers it justifiable that Local Planning Authorities also recover reasonable costs of obtaining independent advice, if necessary, to validate specific aspects of the obligation.
- 7.4 Where viability is identified as an issue, fees for a viability assessment by an independent third party appointed by the Council will be met in full by the developer.
- 7.5 The Council will seek a payment towards monitoring the implementation of the section 106 Planning Obligations where it is essential for planning purposes to secure the obligations in accordance with the terms of the agreement. This is only likely to be required in relation to large, strategic developments. Where payment of a monitoring fee is required this will be a maximum of 2% of the value of the developer contributions.
- 7.6 Where the Planning Obligation is a Section 278 agreement, the payments sought by the Council will be based instead on the scope of appropriate cost recovery permitted under that legislation.
- 7.7 Any cost recovery monies for legal and other fees will normally be payable prior to the completion of any planning obligation (agreement or undertaking), which must be completed before the planning decision notice may be issued and may be payable in any case if a developer does not proceed to completion of the obligation.

- 7.8 The Council will regularly monitor compliance with legal agreements. Quarterly reports will be published on the Council's web page on obligations entered into and the infrastructure investment derived from the payment of the developer contributions.

8 Further advice

This guidance relates to many of the factors that may need to be taken into account in considering the developer contributions and planning obligations relating to development in the County. However, the contents of the guidance may not apply in their entirety or, alternatively, may not be fully comprehensive, in respect of any one particular development. It is always advisable to discuss your proposals at an early stage with the Council's Community Infrastructure and Planning Obligations Officer. The address is:

Planning Policy and Housing Team
Places Directorate
Rutland County Council
Council Offices
Catmose
Oakham
Rutland
LE15 6HP

Telephone: 01572 758251

Email: planning@rutland.gov.uk

Appendix A – Relevant adopted local plan policies

A1.1 This document provides more detailed guidance relating to the use of the principal policies in the Local Plan regarding Planning Obligations, which are Policies CS8 (Developer contributions) and CS11 (Affordable housing) in the Core Strategy DPD (adopted July 2011). It will also be relevant to mitigating the effects of development under other policies, particularly those outlined below:

- Policy CS1 (Sustainable development principles)
- Policy CS5 (Spatial Strategy for Oakham / Sustainable urban extension to Oakham)
- Policy CS7 (Delivering socially inclusive communities)
- Policy CS8 (Developer contributions)
- Policy CS11 (Affordable housing)
- Policy CS15 (Tourism)
- Policy CS17 (Town centres and retailing)
- Policy CS18 (Sustainable transport and accessibility)
- Policy CS21 (The natural environment)
- Policy CS22 (The historic and cultural environment)
- Policy CS23 (Green infrastructure, open space, sport and recreation).

A1.2 The key policies in the Site Allocations and Policies DPD (adopted October 2014) relevant to Planning Obligations are:

- Policy SP1 (Presumption in favour of sustainable development)
- Policy SP3 (Sites for retail development)
- Policy SP9 (Affordable housing)
- Policy SP10 (Market housing within rural exception sites)
- Policy SP15 (Design and amenity),
- Policy SP19 (Biodiversity and geodiversity conservation)
- Policy SP22 (Provision of new open space)
- Policy SP28 (Waste-related development).

A1.3 The policies within the Minerals Core Strategy & Development Control Policies Development Plan Document (adopted October 2010) are also relevant to Planning Obligations in some cases. This may also be the case with some policies in Neighbourhood Plans.

A1.4 The policies outlined above can be viewed on the Council's website at www.rutland.gov.uk/localplan

A1.5 Further information on the Council's policies concerning the provision of Affordable Housing is in Appendix B and concerning Recreation, Sport and Leisure, in Appendix C.

Appendix B – Guidance on the provision of Affordable Housing

B1 General policy requirements

B1.1 The key Local Plan policies specific to Affordable Housing are listed in Appendix A. Additional guidance on the interpretation of these, including the impact of viability information, is given below. This SPD must be read together with these policies.

When provision for affordable housing is required

- B1.2 Policy CS11, as written, states that Affordable Housing provision must be made by new residential developments of any size. This would include, for instance, new builds, conversions and changes of use. It would also include housing that is not “within the wire” for operational defence personnel. However, in the light of the more recent Policy SP1 (Presumption in favour of sustainable development) and paragraph 14 of the NPPF, affordable housing will not be required from single dwelling developments unless they are rural exception sites. This also helps to bring greater consistency with CIL, as CIL exempts many single dwellings (e.g. many self-build and converted properties). The Council’s Policies covering rural exception sites are CS11 (Affordable housing) and SP10 (Market housing within rural exception sites).
- B1.3 The Affordable Housing requirement does not apply to holiday lets, agricultural / equestrian / forestry workers’ dwellings or to shared / “barracks” accommodation “within the wire” for operational defence personnel, provided they continue to be used for that purpose and where relevant meet the criteria (including functional need, size and viability) in Policy SP6 (Housing in the countryside) and Appendix 1 of the Site Allocations and Policies DPD. If the development consists of more than one dwelling, conditions or Planning Obligations may be used where appropriate to restrict future use. This approach would ensure the provision of Affordable Housing should the occupation of some or all of the dwellings cease to be used for the original purpose, as a Planning Obligation would be required for the occupancy restriction to be lifted.
- B1.4 The Government’s view is that there should be no Affordable Housing requirement from ‘starter homes’ on brownfield exception sites, as defined by the Ministerial Statement of 2 March 2015 and the Planning Practice Guidance (PPG), anywhere in Rutland. This area of policy is evolving and the Council will consider the implications of applications for brownfield starter homes on their merits in the light of local and national policy and legal requirements.
- B1.5 The following will be considered on a case by case basis regarding whether the requirement is applicable:

- Continuing Care Retirement Communities (CCRC) or similar
- Sites for Travellers, Gypsies and Showpeople
- Hostels
- Housing for operational defence personnel which can be used as family housing and is “within the wire”
- Temporary planning permissions and personal permissions.

- B1.6 Where staff accommodation is provided that is used for more than 6 months per year (and it is not housing for operational defence personnel) and consists of more than a single dwelling, the Council will consider on a case by case basis whether to require the provision of Affordable Housing. These proposals should be exempt from an Affordable Housing contribution if there will be a firm condition or section 106 agreement regarding its use and the accommodation will be let at a cost substantially below market rates and there is evidence demonstrating that the business is viable. In addition to these requirements, when considering whether to exempt this accommodation from an Affordable Housing contribution, the Council will also have regard to:
- whether an employee’s contract of employment requires them to occupy the dwelling for the better performance of their duties
 - whether the nature of accommodation means that it would be difficult to use as an unrestricted dwelling (for instance, whether it were physically and operationally an integral part of larger business premises)
 - whether the accommodation is of an appropriate scale and size for its function.

Amount of Affordable Housing provided

- B1.7 Policy CS11 states that the Council expects a minimum Affordable Housing target of 35% to be met where this is viable on all new housing developments. The supporting text shows that this approach applies both to site-specific viability (such as for a single application) and also to the viability of the overall target which is subject to review from time to time. These reviews come within the scope of Policy CS11 as it stands and do not require policy changes.
- B1.8 Paragraphs 173 to 177 of the NPPF highlight the importance of the Council taking into account viability when considering developer contributions, including taking into account the combined effect of planning obligations and CIL. This includes keeping the Affordable Housing requirement under review.
- B1.9 The Council published an Assessment of the Viability of the Affordable Housing Target as a supporting paper to the consultation on this SPD. This showed, in the context of the proposed level of CIL of £100/m², that a minimum level of 30% Affordable Housing for sites liable to pay CIL was appropriate. This is with the exception of rural exception sites under Policy CS11 and Policy SP9 where the relevant proportions stated in those policies would be required. The recommendations of this viability assessment are

endorsed by this SPD at the time of its adoption and until any relevant future revision of the SPD or change to the Local Plan. Therefore, for new permissions following adoption of CIL, the minimum Affordable Housing requirement of Policy CS11 should be normally interpreted as 30%, subject to viability.

B1.10 Similarly, the Council recognises that, under Policy SP9 (Affordable Housing), it will sometimes be necessary to provide affordable houses of 5 bedrooms or more for rent, or bungalows with 3 or more bedrooms for rent that are suitable for full-time wheelchair users. Where this is the case and is agreed by the Council and the rent levels are within the levels allowed for in state benefits, each of these properties provided may be counted as two affordable homes for the purposes of calculating the Affordable Housing requirement and the mix of Affordable Housing tenures. This does not affect the calculation of commuted sums, where applicable.

B2 Whether Affordable Housing should be provided on-site or off-site

B2.1 Under Policy CS11 (Affordable housing), residential developments are normally required to provide Affordable Housing on-site.

B2.2 Developments of 5 or fewer dwellings or less, or sites of 0.15 hectares or less, may provide Affordable Housing off-site as an alternative to on-site provision.

B2.3 Where developments are larger than 5 homes or sites are more than 0.15 hectares, Policy CS11 states: "Committed sum payments may also be made in exceptional circumstances where provision of Affordable Housing is considered by the Council to be detrimental [for] environmental, demographic or other reasons." Applicants would need to provide robust justification of how they envisage that off-site provision would be necessary in terms of Policy CS11 and how this would promote the delivery of mixed communities with respect to the application site and / or the off-site provision. Paragraph 3.35 of the Core Strategy provides possible examples, such as where the provision of Affordable Housing on-site would, to an exceptional extent:

- be detrimental to the local environment
- adversely affect a conservation area or listed building
- result in abnormal service charge costs for residents.

B2.4 Where affordable housing is provided off-site, the contribution is calculated on the basis of the net number of additional residential dwellings from the main application site. The net number of additional dwellings is the homes to be built on site, less any homes demolished on the site as a result of the development (provided that the new homes have less than 100m² of additional Gross Internal Area on average than the demolished dwellings).

B3 Off-site provision by commuted sum

Calculation of commuted sums

- B3.1 Where commuted sums are accepted in lieu of on-site provision they should be 'of broadly equivalent value' to ensure, where practicable, that the same number and type of affordable dwellings can be provided on an alternative site in the same or similar locality.
- B3.2 Paragraph 3.34 of the Core Strategy states: "The sum payable will be calculated on the basis of the requirements set out in the Council's Affordable Housing Viability Study and will vary according to the locality and circumstances of each site."
- B3.3 The Council's policy – and the calculation method used – is based on the commuted sum being broadly equivalent to the cost of on-site provision and may therefore contain elements of the construction and services cost as well as the land cost. The calculation (which may be both the proportion of affordable homes required and the amount of commuted sum per affordable home) will be revised as necessary in line with market conditions and as subsequent studies are undertaken. This can be done without having to change or replace this SPD. (For ease of reference, the working for the commuted sum used at the time of writing is in Appendix A of Cabinet Report No. 73/2013 showing the contribution on a 35% basis.)
- B3.4 At April 2015, the Affordable Housing contribution was £189/m² for each market dwelling, up to a maximum average of £20,223 per market property on the development. When adjusted for affordable housing provision at 30%, it becomes £162/m², capped at £17,334 per market property. It will be increased from 1 April each year for new agreements in line with the indexation arrangements in 4.13, so that new agreements have a starting figure which allows for indexation since the standard rate for Affordable Housing commuted sums was calculated. For ease of reference, the relevant sum in use for new agreements will be posted on the Council's website.

Use of commuted sums Received for Affordable Housing

- B3.5 Payments received in lieu of Affordable Housing on site will be held by the Council to be used for capital funding to enable the provision of Affordable Housing within Rutland. Unless the commuted sum is required to be set aside explicitly for a specific scheme, it may be pooled with other commuted sums for Affordable Housing and will be utilised to enable timely and efficient provision of Affordable Housing as determined by Rutland County Council. The Council may operate more than one 'pool', so that separate pools might be used if appropriate for different localities, initiatives or schemes. If a commuted sum is set aside for a specific scheme, the Planning Obligation

Planning Obligations Supplementary Planning Document

may include provision for that sum to be pooled with other commuted sums for Affordable Housing, if the specific scheme cannot be delivered within a reasonable timescale.

- B3.6 The Council will seek to make the most effective use of any commuted sums received, taking into account the availability of suitable opportunities at the time commuted sums become available. The following list of potential spending options is not exhaustive, and may change over time, depending on needs and opportunities. Expenditure may be directly by the Council, or by other providers of Affordable Housing, which may or may not be registered.
- B3.7 Examples of how resources in the fund may be spent include:
- developing, or contributing to the development of, Affordable Housing which may be new build, or converted, or existing private sector properties purchased for use as Affordable Housing;
 - purchase of land, or options to purchase land, intended for the future development of Affordable Housing;
 - provision of necessary extensions or adaptations to existing affordable homes to make them suitable for use by some households who would otherwise have unsuitable housing.
- B3.8 'Affordable Housing' may include the provision of Gypsy and Traveller sites, where the site is suitable and there is a strongly identified local need, provided these proposals fall within the definition of 'Affordable Housing' used in this SPD.
- B3.9 'Affordable Housing' can also include the payment of funds to assist residents with the purchase of their own properties if this creates a new or vacant affordable home in Rutland that can be used for someone in need of Affordable Housing, provided these proposals fall within the definition of 'Affordable Housing' used in this SPD.
- B3.10 Policy CS11 states: "Committed sum payments will be used where possible for the provision of affordable housing within the vicinity of the development site within a reasonable time frame. In other circumstances contributions will be pooled to provide affordable housing elsewhere in Rutland." Normally this will be affordable housing in the local area (defined as the parish) provided it appears to the Council (acting as housing authority) that there is a reasonable prospect of construction of the affordable housing commencing within 2 years of the commuted sum being received and provided that the proposed provision would constitute good value for money. If this is not the case, the Council will consider whether provision in immediately adjacent parishes would be appropriate, practicable and good value. If provision is not readily achievable in an immediately adjacent Parish, then other locations will be considered.

- B3.11 The Council, in its role as the housing authority, will consider locations where the financial contributions may be spent (subject to planning consent where needed), depending on the availability of suitable sites or existing properties, other funding that may be required, cost and feasibility of development, sustainability, local housing need and the amount of time needed to complete the scheme.
- B3.12 It is not the Council's intention for commuted sums received from one development to be used to finance the minimum affordable housing contribution on another development, unless the commuted sum is to be spent on a site where the housing is wholly affordable or where the commuted sum allows the construction of more rented affordable homes than would have been viable otherwise.
- B3.13 The Council will use documents such as the Local Investment Plan, the Homelessness Strategy, the Housing Strategy, the local need for Affordable Housing and the Strategic Housing Market Assessment to assist in identifying the priorities for the expenditure of commuted sums on affordable housing.

B4 Off-site provision in kind

- B4.1 There is scope for provision of Affordable Housing off-site in kind under paragraph 50 of the NPPF. This may be appropriate as an alternative to a commuted sum where off-site provision is acceptable in principle, but it is not an alternative to on-site provision where that is required. If a developer wishes to provide Affordable Housing off-site in kind, they will need to show that it promotes viable delivery and sustainable communities.
- B4.2 Applicants must remember that each planning application is determined on its merits and that it is their responsibility to seek and obtain all planning approvals needed for off-site provision. If consent is not forthcoming or is delayed, or if the off-site provision in kind is delayed for other reasons, the applicant must still conform with all planning requirements and agree alternative suitable arrangements for the provision of Affordable Housing with the Council.

Calculating the amount of off-site Affordable Housing provision in kind

- B4.3 The amount of an off-site contribution in kind is calculated in dwellings, in a similar way to on-site provisions. (In other words, it is not calculated in the same way as an off-site financial contribution and then converted back to dwellings.) If a viability assessment is required, the costs and income relating to the development site and proposed off-site provision would be taken into account.
- B4.4 Provision of completed units on an alternative site will be in addition to any applicable Affordable Housing requirement arising from the development of the alternative site. This will not prevent the alternative site from being a rural exception site.

Nature of off-site provision in kind

- B4.5 Proposals for off-site provision in kind must meet the local need for Affordable Housing. As with commuted sums for off-site provision, above, the Council will use documents such as the Local Investment Plan, the Homelessness Strategy, the Housing Strategy, local housing need and the Strategic Housing Market Assessment to assist in identifying this. Paragraph 3.36 of the Core Strategy, Policy CS11 and Policy SP9 outline the Council's general approach to tenure mix, although it is accepted that where small numbers of dwellings are involved, some flexibility may be required to achieve viable delivery.
- B4.6 The same considerations regarding the following apply to off-site provision in kind just as they would apply to on-site provision:

- quality
- type
- phasing of the market and affordable dwellings and trigger points
- nominations
- occupancy and need.

B4.7 Further guidance is provided by Policies CS10 (Housing density and mix), CS11, SP9 and their supporting text. More detailed issues such as phasing and trigger points should be dealt with under negotiation of individual planning applications. The phasing of their availability must be closely linked to the phasing of the development site and trigger points which generated the contribution. Off-site provision in kind must consist of fully completed dwellings.

B4.8 Proposals by developers to purchase or convert existing properties for use as Affordable Housing will be considered on their merits.

B4.9 Off-site provision in kind must be in a location agreed with the Council, normally through a Planning Obligation specifying the details of the Affordable Housing provision and covering both the development site and the site where off-site provision is being made. Ideally this should be in the Parish where the development site is proposed. If this is not practicable, provision in an adjacent Parish may be appropriate. If neither of these is possible, the Council will consider provision in other parts of the County but will also need to consider whether a commuted sum may be a preferable way of promoting mixed communities.

Appendix C - Recreation, sport and leisure

- C1.1 The main policies in the Core Strategy DPD (adopted July 2011) regarding the provision of open space are Policies CS8 (Developer contributions) and CS23 (Green infrastructure, open space, sport and recreation).
- C1.2 In the Site Allocations and Policies DPD, Policies SP15 (Design and Amenity), SP22 (Provision of new open space) and Appendix 5 outline requirements for providing open space, sport and recreation space. The Council intends to adopt an SPD on open space by 2016.
- C1.3 Where Open Space, Sport or Recreation Space is to be provided on the site, or provided in kind nearby, for the direct benefit of the new development, developers will be required to make provision for maintenance. They may make their own arrangements, subject to obtaining the Council's written agreement. Alternatively, where developers wish to transfer ownership and future management to the Council or other body, they will be required to maintain the open space for a period to be determined by the Council. This will not be expected to last for less than 24 months. The Council will charge for the adoption and on-going maintenance of open space.
- C1.4 Policy C23(c) sets strict criteria regarding developments which impact on existing green infrastructure, including the provision of alternative infrastructure of at least equal accessibility, quality and benefit. Section 106 agreements may be used to secure such site-specific mitigation.

Appendix D – Guidance on the Council priorities in negotiating Planning Obligations and Developer Contributions

- D1.1 There will be circumstances with some planning applications where a developer will not be able to provide all of the developer contributions set out in this SPD, once CIL has been allowed for. In such circumstances, the Council will negotiate such proposals against its list of Priorities at section D2 below. In prioritising the developer contributions, the Council has been guided by the Local Plan, Sustainable Community Strategy and Strategic Aims and Objectives from the Corporate Plan.
- D1.2 The Council will not normally seek additional funding through section 106 or require the developer to enter into a section 278 agreement for the provision of off-site highways works, sustainable transport requirements and dealing with public rights of way because these are included in the Regulation 123 list. However, this is dependent on the required on-site transport-related infrastructure being proportionate and reasonable for the proposal. The Council will not subsidise schemes through the public purse via CIL that have disproportionate transport-related site-specific infrastructure needs and which would not normally be viable, but may in these cases seek section 106 and/or section 278 obligations for transport-related items.
- D1.3 The following planning obligation priorities shall be taken in order, bearing in mind that CIL always has to be paid at the applicable rate.

D2 Planning obligation priorities

- D2.1 **Priority One will be to provide for the physical infrastructure needed to deliver the project, as without this the scheme will not proceed.**
- D2.2 This would include the provision of specified highway works, street lighting and the re-alignment of public rights of way, all of which are needed before the development can take place. Other essential infrastructure requirements such as superfast broadband, off-site flood defence or drainage improvements would also fall within this category.
- D2.3 Cost specifics for a development must also be taken into account. This could include restoring a listed building, meeting archaeological requirements, protecting the biodiversity site or dealing with contamination. Requirements to meet sustainable construction, sustainable waste management and air quality and renewable energy are also included here.
- D2.4 The Council will bear in mind that seeking high specifications on essential infrastructure will reduce the availability of funds for other planning obligations and come to a balanced view. They will also have regard to the overall quality of the development.

D2.5 Priority Two will be to provide for essential community needs and Affordable Housing – these would be a second call on developer contributions

D2.6 Priority two relates to the provision of community facilities that are required to support a development – particularly a residential development – but which lie outside the scope of being funded by CIL. Contributions towards open spaces (both new and the enhancement of existing open space) and play areas will be sought as set out in the Local Plan, this SPD and the forthcoming SPD on open space.

D2.7 In assessing these obligations regard will be given to:

- The extent of existing facilities available in the vicinity of the development and their accessibility and capacity.
- The extent which other agencies (or the Council) could fund such facilities.

D2.8 In the case of residential development, the presumption should be that there will always be some Affordable Housing (up to 50% of the Affordable Housing requirement). The Council will discuss various combinations or options, which could be sought. In doing so, it will take into account the most recent housing needs assessment, the Council's strategies and policies.

D2.9 Priority Three will be to provide for the remaining Affordable Housing provision listed in the SPD – this would be a third call on developer contributions

D2.10 Priority three relates to the remaining Affordable Housing provision.

Conclusion

D2.11 A viability case in relation to a particular development has to be submitted in compliance with the requirements set out in the SPD. Where this is accepted, the use of a prioritisation approach will ensure the Council secures the most appropriate level of planning obligations to mitigate the impact of the development proposal or compensate for any loss or damage it would cause to any environmental or community resources where this has not been addressed by CIL. The requirement for developers to submit a viability appraisal will enable the Council to facilitate a fair, consistent and transparent basis for negotiating planning obligations, whilst being flexible in light of economic market forces.

Appendix E – Glossary

Affordable Housing

Housing provided to eligible households whose needs are not met by the market. This is defined further in the National Planning Policy Framework.

Brownfield

Previously developed land. Does not include garden land, nor agricultural land.

CIL

Community Infrastructure Levy.

CIL Viability Study Update June 2014

A report commissioned by the Council to update previous research regarding the viability of CIL.

CS

Core Strategy

Charging Schedule

This sets out the rates of CIL that will be applicable to new development in Rutland.

Commuted sum

A section 106 payment from a housing developer, collected by the Council, towards the provision of infrastructure instead of the developer providing the infrastructure directly.

Community Infrastructure Levy

A charge that local authorities can levy on most types of new development in their area. These will be based on simple formulae which relate the size of the charge to the size and character of the development paying it. The proceeds of the levy will be spent on providing essential community infrastructure. The Council has adopted CIL and therefore the scope of new Planning Obligations is limited, as reflected in this SPD.

Core Strategy

This is the 'over-arching' document which sets out the key elements of the planning framework for the district. Once adopted all other Development Plan Documents must be in conformity with it.

DPD

Development Plan Document

Deferred contribution

Where the viability assessment suggests that a deferred contribution is justified to offset short term viability constraints, the Council may seek to include provisions in the section 106 agreement to recover all or part of the obligation at a later stage in the delivery of the project.

Development Plan Document

Document subject to independent examination, which forms part of the Local Plan and is not a Neighbourhood Plan.

Discounted contribution

A discounted contribution is allowed for when the level of provision agreed is less than is normally required (following the viability process outlined in the SPD) but where the application is still suitable for approval in planning terms.

Gross Internal Area

This is in brief "the area of a building measured to the internal face of the perimeter walls at each floor level". It is defined more fully in the Royal Institution of Chartered Surveyors Code of Measuring Practice.

Heads of Terms

The general obligations that the developer is willing to put on the table at the start of negotiations. These do not need to be overly detailed, although they may include any trigger points identified. They can also be presented as a draft legal agreement.

Legal Agreement

A document to which the developer and the County Council and other parties are signatories which sets out the agreed obligations, together with any trigger points.

Local Plan

This is a portfolio of individual documents which collectively form the Local Plan for the County of Rutland. This includes the Core Strategy, Site Allocations and Policies DPD, Minerals Core Strategy & Development Control Policies DPD and

Neighbourhood Plans and is supported by Supplementary Planning Documents. A partial review of the Local Plan is commencing in 2015.

Local Planning Authority

The Council with the main responsibility for planning matters, in this case Rutland County Council.

m²

A square metre

NPPF

National Planning Policy Framework

National Planning Policy Framework

Sets out the government's planning policies and how these are expected to be applied.

Neighbourhood Plan

Parish and Town Councils, or designated Neighbourhood Forums in 'unparished' areas, are now empowered to take the lead in delivering a Neighbourhood Plan in areas formally designated for the purpose. Following formal public examination and a successful local referendum a neighbourhood plan can be adopted by the Local Planning Authority as part of the Local Plan.

Open Book Financial Appraisal

This is necessary when a developer is stating that the viability of the proposal would be detrimentally affected by the required planning obligations. It involves independent verification of the development's likely cost and profits. It is commercially sensitive and is therefore not part of the public consultation for the proposal.

PPG

Planning Practice Guidance

Phased Contributions

These are tied to any identified trigger points and allow a developer to spread the cost of obligations for the development.

Planning Obligation(s)

The requirements generated by the proposed development which will mitigate its impacts. Obligations can be either physical works, for example highway improvements, on site provision of a facility or a financial contribution to enable off-site provision.

Planning Practice Guidance

A government document providing more detailed guidance on how aspects of the NPPF can be implemented.

Pooling (or 'Pooled')

This occurs when individual financial contributions need to be collected together to pay for infrastructure, facilities or services which have been identified but could not be funded by an individual contribution.

Proof of title

Proof of legal ownership of the land.

Regulation 123 list

This lists infrastructure projects or types of infrastructure that the Council intends to fund through CIL. Section 106 contributions can still be sought for infrastructure directly related to a development, provided that the infrastructure is not part of the Regulation 123 list.

Robust Justification

Is needed either for the Council requesting an obligation or a developer requesting not to provide it. The justification from service providers will need to include verifiable fact/figures that show a negative impact will result because of the development. Developers negotiating against identified need, will have to show that the viability of the proposal would be detrimentally affected.

Rural exception site

Small sites used for Affordable Housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

SEA

Strategic Environmental Assessment

SP

Site Allocations and Policies DPD

SPD(s)

Supplementary Planning Document(s)

Section 106

The Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991 & Planning Act 2008) established the statutory framework for developer contributions in the form of section 106 planning obligations. A section 106 legal agreement is a document to which the developer and the Council and other parties are signatories which sets out the agreed planning obligations, together with any trigger points.

Section 278

Section 278 of the Highways Act 1980 (as amended) enables Legal Agreements to ensure that a developer provides certain necessary site-specific transport-related items.

Site Allocations and Policies DPD

A development plan document prepared by the Council in order to identify specific sites for development and set out detailed development planning policies.

Strategic Environmental Assessment

Document setting out the environmental assessment of policies, to meet the requirements of the European SEA Directive.

Supplementary Planning Document(s)

These documents provide supplementary guidance to the Local Plan and relate back to policies in individual development plan documents, including the Core Strategy.

Tenure

Ownership type of housing, such as owner-occupied, privately rented and different types of Affordable Housing.

Threshold

In the context of this SPD, the largest size of development which is normally exempted from Affordable Housing provision under the PPG.

Trigger Points

Are stages within a development at which a contribution or provision becomes necessary, examples are:

‘upon commencement’

‘upon the occupation of the nth dwelling’

‘prior to _____ occurring’

Unilateral Undertaking

A legal agreement which is only signed by the developer, and sets out the obligations they are willing to undertake in relation to the proposed development.

“Within the wire”

Within the secure perimeter of a Ministry of Defence establishment.

**First Draft Planning Obligations
Supplementary Planning Document
Summary of Consultation Responses**

Response number

1 Office of Road and Rail

2 Anglian Water

3 Martin Brookes

4 Uppingham Town Council

5 Natural England

6 Highways England

7 Cottesmore Parish Council

8 National Federation of Gypsy Liaison Groups

9 Peterborough City Council

10 Not Used

11 Leicestershire & Rutland Police

12 English Heritage

13 Uppingham School

Issue	Name	Reference	Summary of Response	Council Response
General				
1.	Office of Road and Rail	General	No comment	Noted
2.	Anglian Water	Planning Obligation Priorities	<p>Paragraph D2.2 refers to drainage improvements as physical infrastructure which may be required to deliver projects and potentially could be sought via planning obligations. Anglian Water would not expect there to be provision within a Section 106 agreement or the Council's CIL Charging Schedule for used (foul) water infrastructure.</p> <p>In general, water recycling centre (previously referred to as sewage or wastewater treatment works) upgrades to provide for residential growth are wholly funded by Anglian Water through our Asset Management Plan.</p> <p>Foul network improvements (on-site and off-site) are generally funded/part funded through developer contribution via the relevant sections of the Water Industry Act 1991.</p> <p>In relation to surface water Anglian Water may consider the adoption of sustainable drainage systems (SuDs) providing they meet the criteria set out in the adoption manual.</p>	<p>No change required</p> <p>This wording is in the adopted SPD. Paragraph 2.2 refers to "drainage improvements" in very general terms which could include SUDS. Suggest no change even if requirements can generally be met without recourse to planning obligations as SUDS may require an agreement to secure to adoptable standards.</p>

3.	Martin Brookes	<p>General</p> <p>Affordable Housing</p> <p>Monitoring</p>	<p>On paper the council's proposals look fine.</p> <p>It is good to see that more work will be carried out before any major application is considered by means of a preliminary inquiry.</p> <p>I note there appears to be no specific mention of how the council could enforce the provision of affordable homes. Would this be considered a key stage failing?</p> <p>I recently spoke to a large developer here in Oakham who are very aware of the fact they are not meeting target to provide affordable homes. The Council seems on the surface not to be taking any action.</p> <p>I wonder why if the council is proposing to monitor developments why it appears on page 13 4.12 the council is reliant on a developer notifying at each key stage?</p>	<p>Once a S106 Agreement or Unilateral Undertaking is signed the Council will be able to ensure obligations are met. Sometimes viability constraints on the development proposed, or evidence of low levels of local need for affordable housing mean reduced requirements are negotiated. The second draft revised SPD now requires affordable housing contributions from sites of 2 dwellings and above.</p> <p>Although this is a requirement of the developer to reduce potential Council costs of monitoring there is also a need for the Council to verify progress in the event that the developer fails to serve notice.</p>
4.	Uppingham Town Council	SA/SEA	<p>With the on-going legal challenge to the Uppingham Neighbourhood Plan, it is suggested that there is absolute clarity on the wording of the strategic and environmental assessments such that it confirms the approach taken covers both positive and negative impacts.</p>	<p>Agreed – all wording in SEA work checked to ensure reference is clearly made to impacts covering both adverse or negative and positive impacts.</p> <p>Agreed to delete word “adverse” in first line of paragraph 2.14 of SPD document accordingly.</p>

5.	Natural England	SA/SEA.	<p>Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not relate to our remit to any significant extent.</p> <p>We do not therefore wish to comment other than to welcome the completion of the SA & HRA screening assessment and to support its conclusions</p> <p>We note that a screening assessment has been completed which concludes that neither a full Strategic Environmental Assessment nor a full Habitats Regulations Assessment needs to be undertaken for the SPD. Natural England agrees that the proposals contained within this draft SPD are unlikely to have any significant effect on any nationally or internationally designated nature conservation sites.</p>	Noted – no changes required
6.	Highways Agency	General	Highways England understands that the document will sit alongside the Council's Community Infrastructure Levy (CIL). Highways England reviewed the CIL Draft Charging Schedule in March 2015 and considered it was not in a position to comment upon the specifics of the document and it maintains this position in relation to the Planning Obligations SPD. With this said, Highways England has no specific comments and assumes that the Council will be informed by other stakeholder responses.	Noted – no changes required
7.	Cottesmore Parish Council	CIL Funding	The document refers (especially in Paragraph 3.3) to limitations to the applications to which CIL funding may be applied.	Paragraph 3.3 explains the limitations on RCC using CIL in context of the relationship for RCC of applying this

				<p>SPD alongside implementing CIL. The fact that Parish Council will receive some CIL proceeds to spend as they wish is not relevant to the purpose of this paragraph.</p> <p>No action required</p>
8.	National Federation of Gypsy Liaison Groups	Affordable Housing	Contributions towards affordable housing can and should be made available to fund Traveller sites. The new guidance should specifically recognise and acknowledge that the Council will consider the accommodation needs of Gypsies and Travellers alongside the needs of those requiring affordable "brick and mortar" housing.	The Council does consider the needs of Gypsies and Travellers, including through its assessments of housing need and through its preparation of Development Plan Documents. This includes the needs of Travellers who wish to live in caravans. The use of commuted sums for Travellers' sites is permitted under this policy where appropriate and provided the requirements of paragraph B3.8 of the draft SPD are met. No changes required.
9.	Peterborough City Council	General	The draft SPD raises no strategic issues or propose any major development that would impact on Peterborough. PCC has no comments to make on the Draft SPD	No action required
10.	Not Used			

11.	Leicestershire & Rutland Police	General	<p>1. SPD should make clear that it will be adopted when CIL is adopted and that the current 2010 SPD will be applied in the interim (ref paras 1.13 and 1.15)</p> <p>2. Concern that the CIL funding that is made available to support policing may be less than is currently secured through S106 Agreements. Both the SPD and the CIL documentation should make clear that the police requirements will be fully met to mitigate the impact of the developments from where the funding is sourced (ref paras 1.11, 1.12 and 3.6).</p>	<p>1. There are elements of the 2010 SPD guidance that have been overtaken by developments in national policy and policy guidance relating to both CIL and planning obligations secured through legal agreements. These are reflected in the proposed SPD. In effect the 2010 SPD will still be applied until CIL is adopted, subject to the above. Suggested Change; When adopted <i>alongside CIL</i>, this SPD will be a material consideration when determining planning applications after the introduction of CIL in Rutland.</p> <p>2. No change required The use of planning obligations alongside CIL in respect of policing and community safety is not generally envisaged as this is covered by CIL. In exceptional circumstances priority may be given to community infrastructure items as set out at paragraphs</p>
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			<p>3. The repeated commitment to pass funds to providers in relation to S106 is appreciated.</p> <p>4. I believe further thought is required as regards pooled s106 and your para 6.3. Providers are not in a position to advance fund infrastructures, programme, nor project design until funds are vested with us. Neither can we risk funds paid on the basis of our requests not being passed to us as soon as they are received. There is no case for Councils to retain these especially where clawback provisions ensure repayment of unspent. Providers operate their own development specific monitoring and</p>	<p>3.4 - 3.5 (with amendments as suggested below). It is not possible to make a commitment in the SPD that the police requirements will be fully met as suggested. No item of infrastructure can be given such treatment as this would pre-empt processes to be put in place to make hard choices between competing needs.</p> <p>3. Noted – no change required.</p> <p>4. It is agreed that S106 funding should be released as quickly as is possible to infrastructure providers. Suggested Change; Paragraph 6.3 is amended as follows; Where If a number of developments are will be expected to contribute to the</p>
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			<p>implementation and make commitments to account when they seek contributions. Moneys can and should be released on receipt and we are happy to provide a written confirmation that we will abide by s106 clauses. With all this in mind what possible case is there for LPAs to hold onto infrastructure funds that providers need to spend to make development sustainable and acceptable and to deliver what is necessary in good time?</p> <p>5. Reference paragraph 3.5. The police bespoke contribution requests are specific to each development and do not rely on other developments or contributions to be implemented. I suggest that in relation to your priority 3 and priority 5 there is justification to seek contributions to our infrastructures even</p>	<p>provision of infrastructure that is not covered by CIL, the financial contribution will be ring fenced for the identified pooled infrastructure and held either by the Council or the direct provider where this is a separate organisation. It will be released as quickly as is possible to infrastructure providers in order to ensure timely implementation or commissioning of the when the service provider is ready to implement or commission the relevant works. The monitoring database will make clear where development funding has come from to deliver each scheme.</p> <p>5. , 6. and 7. In setting out guidelines explaining the Council's proposed use of planning obligations alongside CIL the council has to consider both the need to avoid double dipping for developer</p>
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			<p>with CIL in place. Any suggested changes in priorities for CIL or s106 need to be in the context of the collaborative approach between providers and LPAs described in NPPF. I note your commitment in para 4.4 and believe we are a good way to establishing these necessary consultation arrangements.</p> <p>6. Reference paragraph 5.3 and Appendix D. At your para 5.3 it might be helpful to draw on recent practice and advice as far as viability is concerned. Mr Dove has advised on a sequential approach which starts with Regulation 122 testing of compliance. Accepted viability constraints then need to be the subject of discussion with providers before priorities are considered and if necessary. Guidance as regards the level of affordable housing should be heeded in this.</p> <p>7. Appendix D, Priority 2 should include community facilities necessary to keep a development safe as indicated in NPPF. This would allow for Police radio communications, CCTV etc.</p>	<p>contributions and how it will prioritise planning obligations after CIL has been met. Paragraph 3.5 explains how priorities will be made if a proposed development scheme is agreed to be unviable with all the planning obligations that it is being required to deliver. The priorities cited at para 3.5 are intended to cover for exceptional circumstances and should be read alongside Appendix D (section D2) which links with paragraph 3.5 items 3 and 5. This prioritisation is consistent with the approach taken in the current SPD. The intention is that planning obligations will generally only be sought for infrastructure other than Affordable Housing either where a large development generates the need for the entire provision of an item of infrastructure to be delivered on-site or works are required on site or on land physically linked to the site to deliver physical mitigation</p>
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			<p>8. The conclusion at paragraph D2.11 of Appendix D should make clear that prioritisation is only a matter for the Council following acceptance of a viability case in relation to a particular development.</p>	<p>which renders the proposal acceptable for granting planning permission. Along with all other similar generic infrastructure types, policing is a matter to be dealt with through CIL.</p> <p>Suggested Change: Amend paragraph 2.6 of Appendix D as follows;</p> <p>Priority two relates to the provision of community facilities that are required to support a development – particularly a residential development – <i>but which lie outside the scope of being funded by CIL.</i></p> <p>8. Agreed. Suggested Change; <i>A viability case in relation to a particular development has to be submitted in compliance with the requirements set out in the SPD. Where this is accepted,</i> the use of a prioritisation approach will ensure the Council secures the most appropriate level of planning</p>
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				obligations to mitigate the impact of the development proposal or compensate for any loss or damage it would cause to any environmental or community resources where this has not been addressed by CIL.
12.	English Heritage	General	Overall EH welcome the contents of the SPD and the references within the text to the historic environment	No action required
13.	Uppingham School	Affordable Housing	Concern that the SPD does not give clear guidance on developer obligations to provide for Affordable Housing in respect of the development of new staff accommodation at Uppingham School. The heading of the section containing paras B1.6-B1.8 of Appendix B on page 20/21 should read “Other circumstances where the Affordable Housing requirement will not apply rather than “may not” which is too ambiguous. The case for this is based on the need for the school to provide from time to time purpose built staff accommodation on its estate land such as small flats or larger homes for families. This is in effect the school meeting a local need on site with key worker affordable housing and does not compete in the local housing market with market or affordable housing. The suggested change would offer greater clarity and certainty for users in respect of NPPF guidelines at paras 153 and 160.	No changes required. The requirements in paragraph B1.6 to B1.8 are proportionate. The heading to the section starting at B1.6 does include the word ‘may’, but this covers a wide range of housing residency types. The relevant paragraph for the scenario referred to is B1.8, where the wording is more detailed and can exempt school workers’ accommodation. The provisions protect the provision of school workers’ accommodation and does not hamper its provision. No changes required.

**Second Draft Planning Obligations
Supplementary Planning Document
Summary of Consultation Responses**

Response number

1b Historic England

2b Anglian Water

3b Stephen Lucas for Uppingham School

4b Natural England

5b Uppingham Town Council

6b Sport England

7b Greetham Parish Council

8b Highways England

9b Uppingham Town Council & Neighbourhood Plan Task Group

Issue	Name	Reference	Summary of Response	Council Response
General				
1b	Historic England	General	No comments	No Action Required
2b	Anglian Water	Appendix D and Planning Obligation priorities	<p>Same response as submission on 1st Draft SPD.</p> <p>Paragraph D2.2 refers to drainage improvements as physical infrastructure which may be required to deliver projects and potentially could be sought via planning obligations. Anglian Water would not expect there to be provision with a Section 106 agreement or the Council's CIL Charging Schedule for used (foul) water infrastructure.</p> <p>In general, water recycling centre (previously referred to as sewage or wastewater treatment works) upgrades to provide for residential growth are wholly funded by Anglian Water through our Asset Management Plan.</p> <p>Foul network improvements (on-site and off-site) are generally funded/part funded through developer contribution via the relevant sections of the Water Industry Act 1991.</p> <p>In relation to surface water Anglian Water may consider the adoption of sustainable drainage systems (SuDs) providing they meet the criteria set out in the adoption manual.</p>	<p>No change required</p> <p>This wording is in the adopted SPD. Paragraph 2.2 refers to "drainage improvements" in very general terms which could include SUDS. Suggest no change even if requirements can generally be met without recourse to planning obligations as SUDS may require an agreement to secure to adoptable standards.</p>

Issue	Name	Reference	Summary of Response	Council Response
4b	Natural England	General	The advice provided in the response Natural England submitted to the 1 st draft SPD still stand.	No response needed.
5b	Uppingham Town Council	General	No further views.	No response needed.
6b	Sport England	General	<p>(1) Sport England supports the wording of paragraph 3.5 which clearly defines what is covered by CIL and a planning obligation.</p> <p>(2) However, given the above statement Sport England is concerned that the S123 list is generic and whilst the statement in paragraph 3.5 theoretically allows s106 contributions to be sought the effect of the s123 list would actually prevent this happening for example what does 'county sports provision' mean? what are public and community... infrastructure investments? Concerned that the IDP and the list does not take account of the review currently being undertaken on open space strategy, built sports facilities strategy and playing pitch strategy.</p> <p>(3) Similarly it is assumed that the open space SPD will take account of the above strategic work.</p> <p>(4) Planning obligation priorities – Sport England is concerned that the whilst the list of priorities included new open space the priorities do not</p>	<p>(1) No response needed.</p> <p>(2, 3 & 4) The Council's CIL Infrastructure Project List provides a breakdown of proposed County Sports Provision including 'Outdoor Sports and Playing Fields' and 'Expand or re-modelling of existing indoor facilities eg Halls or Pools'. These requirements are supported by local research. The Infrastructure Project List and section 123 list will be subject to periodic review. The forthcoming open space SPD will provide additional detail and the Local Plan is currently being reviewed and will take the strategic research into account.</p> <p>(4) Appendix C (Recreation, sport and leisure) will be amended to make clear that section 106 agreements may cover</p>

Issue	Name	Reference	Summary of Response	Council Response
			include the provision of appropriate mitigation to overcome a statutory objection such as the replacement for the loss of playing fields paragraph 74 of NPPF based on the evidence established under NPPF paragraph 73 see 2 above.	mitigation for the redevelopment of existing open space, where this meets the strict criteria in Policy CS23 in the Core Strategy. Policy CS23 is clear about the necessity of such mitigation in order for development to take place and therefore a separate reference in Appendix D is not needed.
7b	Greetham Parish Council	General	<p>Document was not an easy read for the general public, partly due to the complexity of the subject and partly because of the degree of cross-referencing to other documents and unnecessary historical information (e.g. paras. 2.9 and 2.10). The document should be made easier to follow or a separate explanatory leaflet produced.</p> <p>Reasoning for some key points not clear, for example,</p>	<p>The document replaces two other SPDs and a range of other informal guidance. As well as stating policy guidance, it also needs to be justified so that the documents are robust if challenged (e.g. during a planning appeal). Paras. 2.9 and 2.10 are included as they relate to the Government's policy guidance on seeking contributions from small sites and the subsequent judicial review. This is included as it is important background to why the second consultation version of the draft SPD was different from the first. Explanatory summary information will be included on the Council's website.</p> <p>Following the events in para. 2.9 and 2.10 there is no longer any specific</p>

Issue	Name	Reference	Summary of Response	Council Response
			<p>1.6 states that there will be no Affordable Housing requirement from single dwelling sites (except rural exception sites). Is this a Government directive or an RCC policy? If the latter, why?</p> <p>Definition of floor area does not make clear that it covers all levels of the building and not just the ground floor.</p>	<p>restriction on small sites. However, Government policy is to promote sustainable development. The reasoning behind the Council's approach is outlined in 2.12. As para. 28 of the Inspector's report on CIL states, single village houses are expected to provide up to 22% of dwellings to be built up to 2026. In order to achieve this level of delivery, the Council believes the recent practice of requiring affordable housing contributions from new consents of single dwellings should be discontinued to improve viability and market incentives.</p> <p>The SPD will be modified to make it clear that the relevant references are to the Gross Internal Area as defined by the Royal Institute of Chartered Surveyors, which is in brief "the area of a building measured to the internal face of the perimeter walls at each floor level".</p>

Issue	Name	Reference	Summary of Response	Council Response
			<p>There is no definition of “brownfield exception sites” and one cannot easily be found by a web search. This should be in Appendix A.</p> <p>Ministerial Statement 2nd March 2015 should be referred to in the Glossary with its full title.</p> <p>Page 14 refers to the 2014 Viability update. What is this and where can it be found? – should be referenced in Appendix A.</p>	<p>Para. 1.9 states that the definition is in the Ministerial Statement and the Planning Practice Guidance. A search for the latter on the two main search engines brings up the document at the top of the list. The Planning Practice Guidance links to the Ministerial Statement.</p> <p>A link to this research was included in the viability documentation on the webpage which accompanied the consultation. The Viability Update will be added to the Glossary, rather than to Appendix A which only lists policies.</p>
8b	Highways England	General	No comments	No action needed
9b	Uppingham Town Council & Neighbourhood Plan Task Group	General	No further comments.	No action needed.

Issue	Name	Reference	Summary of Response	Council Response
Appendix B				
3b	Stephen Lucas	Appendix B	<p>Representations submitted in response to 1st SPD consultation still stand.</p> <p>The most important phrase occurs on page 31 “fair, consistent and transparent”. The word “clarity” should be added here.</p> <p>Title “Other Circumstances where the Affordable Housing Requirement may not apply” which was located between paragraphs B1.5 - B1.6 in the May 2015 draft has been removed all together in the current (September) draft. It was our view and still is that this should be changed to read “Other Circumstances where the Affordable Housing Requirement will not apply”. Please take the time to read our comments as we feel they are entirely reasonable.</p>	<p>No changes required.</p> <p>The relevant paragraph for the scenario referred to is B1.6, where the wording can exempt school workers’ accommodation where the circumstances justify it. The provisions protect the provision of school workers’ accommodation and does not hamper its provision. No changes required.</p>

PLACES SCRUTINY PANEL

26 November 2015

STREET LIGHTING POLICY

Report of the Director for Places (Environment, Planning & Transport)

Strategic Aim:	Creating a safer community for all	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr T Mathias, Portfolio Holder for Places (Highways, Environment, Transport and Community Safety)	
Contact Officer(s):	Dave Brown, Director for Places (Environment, Planning & Transport)	01572 758461 dbrown@rutland.gov.uk
	Neil Tomlinson, Senior Highways Manager	01572 758342 ntomlinson@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Places Scrutiny Panel:

1. Considers and comments on the options for the division of responsibility for street lighting between RCC and parish/town councils as set out in section 4 of this report.

1 PURPOSE OF THE REPORT

- 1.1 To consider street lighting arrangements for Rutland.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The current arrangement and contribution figures were established in 1991 and no adjustments have been made since that time.
- 2.2 In 2012, following the submission of report 23/2012, Cabinet made the following decisions:
 - a) That the replacement of RCC's low pressure sodium lamps (35W SOX) with compact fluorescent low energy lamps (24W PLL) be funded from the highway capital programme be **APPROVED**.
 - b) That a loan fund be established for parish and town councils to make energy saving upgrades to their lighting stock with loans to be repaid over

10 years, subject to satisfactory consultation with the parish and town Councils be **APPROVED**.

- c) That a policy for the achievement of the clear transfer of responsibility between highways and town and parish councils be developed and brought back with an objective of achieving fairness be **AGREED**.

2.3 The original lighting upgrades approved in 2.2a, were carried out, and following progresses in technology, further LED lighting upgrades were carried out throughout 2014/15.

2.4 On 20th September 2012, report 191/2012 taken to Places Scrutiny Panel agreed the terms of reference for the Street Lighting Task and Finish Group as follows:

- a) Develop a policy for the clear division of responsibility for street lighting between RCC, town and parish councils.
- b) Review the available technology for improving the efficiency of the county's street lighting stock.
- c) Develop a system to allow parishes to access the funding required to improve the efficiency of their lighting stock.

2.5 The review of available technology has been undertaken, in conjunction with our street lighting contractor. 473 lights have been converted to 24w PLL, saving around £7600/ year, and 300 lights have been upgraded to LED units, producing and energy saving of around £6000/year. The payback time of 7 or 8 years exceeds the requirements originally set by Cabinet.

2.6 Report 267/2013 to the Places Scrutiny Panel recommended that three options be evaluated.

3 STREET LIGHTING TECHNOLOGY & INFORMATION

3.1 Three suitable suppliers of LED lighting units were reviewed and a supplier chosen, based on technology, guarantee and cost. The comparative costs of the different wattage units, and the comparative energy and maintenance savings can be examined in Appendix A.

3.2 The comparative costs relate to the cost of a single LED unit, and if approval is granted the entire scheme will be target costed, and unit costs may reduce if more than 500 units are ordered.

3.3 Prior to LED conversion all lighting columns are structurally checked to ensure that there is a residual lifespan exceeding the minimum life of the new lanterns. Defective columns will be replaced.

3.4 The comparative costs and payback periods are based on direct replacements where possible. Some units may require modifications or column replacement, however funding for specific unit assessment can only be allocated to this should approval be granted. Individual sites will be assessed as part of the target cost setting process.

3.5 LED units offer energy savings of around 60% per unit. These figures will prevail whether energy costs go up or down. Energy costs are currently down 5% on last year, but the general trend over the last 5 years has seen energy costs rise by up to 25% before falling back to 2010 prices.

3.6 LED units are manufacturer guaranteed for 12 years from installation, with a life expectancy of up to 25 years.

4 OPTIONS

4.1 The following options are been considered:

- i) Option 1 - Do nothing. No further upgrades are undertaken and the current parish contributions and costs remain the same. No savings will be made to energy or maintenance costs.
- ii) Option 2 - Upgrade only RCC owned stock to LED units, reducing RCC energy and maintenance costs. Parish contributions and costs would remain the same. Parishes would remain responsible for the inspection and maintenance of their lighting stock.
- iii) Option 3 - Upgrade only RCC owned stock to LED units, reducing RCC energy and maintenance costs. Parishes would remain responsible for the inspection and maintenance of their lighting stock but also pay the full energy costs for their stock.
- iv) Option 4 - Upgrade all suitable stock to LED units. Categorise all lighting as either highway or community lighting (see 6.2) and recover energy costs for community lighting from town and parish councils/meetings. RCC would inspect and maintain all lighting stock throughout the County.
- v) Option 5 - Upgrade all suitable stock to LED units. RCC would inspect, maintain and pay the energy cost of all lighting stock throughout the County.

4.2 The Places Scrutiny Panel are invited to consider and comment on these options. Reference should be made to the costs set out in Appendices C and D.

5 PARISH INFORMATION

5.1 Consultation will be required with each parish to agree existing lighting inventories and costs.

5.2 Energy suppliers to parish councils have recently reviewed their contracts, and current parish energy costs of around 8.5p/unit will rise, or have already risen, to 12p/unit. RCC will have to pay the difference in increased bills, as the current cost recovery policy mechanism does not allow for inflation. RCC currently receives a rate of about 10.8p/unit.

5.3 Parish councils have no incentive to carry out regular maintenance or upgrade to energy efficient units, and as their contributions are fixed, costs to RCC will continue to rise, as demonstrated in Appendix C.

- 5.4 Annual adjustments would be made to any parish contributions each year, dependant on energy supply costs, which could go up or down. This would be communicated to parishes annually at a date to be confirmed. The contribution figures in Appendix B are based on year 1 costs.
- 5.5 If parish contributions are agreed, they would commence from 2017/18 to allow for the setting of precepts.

6 COUNTY COUNCIL INFORMATION

- 6.1 Implementation of option 4 will require agreements with those councils that currently make no contributions to ensure parity across all parishes. If no agreement can be reached, parish and town councils will be responsible for the inspection, maintenance and energy costs for all of their street lighting stock. No additional funding or subsidies will be available from RCC (as option 3).
- 6.2 All lighting stock has been assessed as 'highway' or 'community' lighting, bearing in mind there is no duty to light the highway. The following lighting has been assessed to be 'highway' lighting:
- All lighting on A and B roads
 - Lighting at specific safety schemes
 - All signs requiring illumination in accordance with the Traffic Signs Regulations and General Directions 2002.
 - Commercial centres of Oakham and Uppingham as defined within our Highway Inspection and Winter Maintenance policies.
- 6.3 LED upgrade works would commence from 2016/17, with initial revenue savings available from 2017/18.
- 6.4 The total initial cost for upgrades of around £800k, with a return on investment of less than 8 years (see Appendix C).
- 6.5 Funding will be allocated from the highways capital maintenance programme, phased over 3 years, with the most inefficient lights being changed first.

7 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 7.1 The Places Scrutiny Panel are invited to consider the information set out in this report and recommend which of the options for the division of responsibility for street lighting between RCC and parish/town councils should be taken forward.

8 BACKGROUND PAPERS

- 8.1 Report No 23/2012 – Street Lighting
- 8.2 Report No 191/2012 – Street Lighting Task and Finish Group Terms of Reference

8.3 Report No 267/2013 – Street Lighting Task and Finish Group to Scrutiny

9 APPENDICES

9.1 Appendix A – LED Lighting Comparisons

9.2 Appendix B – Contributions and Payback Periods

9.3 Appendix C – Parish Street Lighting Costs

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

Energy Inflation 5.0%
Maintenance Inflation 2.5%

Description	35W SOX				Aspect 1 19W				
Supplier	EXISTING				TRT Lighting				
Lamp Charge Code	11 0035 2000 100				41 0019 0016 100				
Nominal Wattage	35				19				
Actual Circuit Wattage	58				19				
Gaurantee Period (years)	0				12				
Energy Cost/unit	£0.107669				£0.107669				
Annual energy use @ unit rate	£26.85				£9.43				
Supply & Install	£0.00				£270.00				
Bulb Change	£20.33				£0.00				
Yearly repairs	£10.00				£0.00				
Year	Energy Cost	Installation & Maintenance	Annual Cost	Cumulative cost	Energy Cost	Installation & Maintenance	Running Costs	Cumulative cost	Saving
1	£26.85	£10.00	£36.85	£36.85	£9.43	£270.00	£279.43	£279.43	-£242.58
2	£28.19	£10.25	£38.44	£75.29	£9.90	£0.00	£9.90	£289.33	-£214.04
3	£29.60	£21.36	£50.96	£126.25	£10.40	£0.00	£10.40	£299.73	-£173.47
4	£31.08	£10.77	£41.85	£168.10	£10.92	£0.00	£10.92	£310.64	-£142.54
5	£32.64	£11.04	£43.67	£211.78	£11.46	£0.00	£11.46	£322.11	-£110.33
6	£34.27	£23.00	£57.27	£269.05	£12.04	£0.00	£12.04	£334.14	-£65.09
7	£35.98	£11.60	£47.58	£316.63	£12.64	£0.00	£12.64	£346.78	-£30.15
8	£37.78	£11.89	£49.67	£366.30	£13.27	£0.00	£13.27	£360.05	£6.25
9	£39.67	£24.77	£64.44	£430.73	£13.93	£0.00	£13.93	£373.98	£56.75
10	£41.65	£12.49	£54.14	£484.88	£14.63	£0.00	£14.63	£388.61	£96.27
11	£43.74	£12.80	£56.54	£541.41	£15.36	£0.00	£15.36	£403.97	£137.44
12	£45.92	£26.67	£72.60	£614.01	£16.13	£0.00	£16.13	£420.10	£193.91
13	£48.22	£13.45	£61.67	£675.68	£16.93	£0.00	£16.93	£437.03	£238.64
14	£50.63	£13.79	£64.41	£740.09	£17.78	£0.00	£17.78	£454.82	£285.28
15	£53.16	£28.73	£81.89	£821.98	£18.67	£0.00	£18.67	£473.49	£348.49
16	£55.82	£14.48	£70.30	£892.28	£19.60	£0.00	£19.60	£493.09	£399.19
17	£58.61	£14.85	£73.46	£965.74	£20.58	£0.00	£20.58	£513.67	£452.06
18	£61.54	£30.93	£92.48	£1,058.21	£21.61	£0.00	£21.61	£535.29	£522.92
19	£64.62	£15.60	£80.21	£1,138.43	£22.69	£0.00	£22.69	£557.98	£580.44
20	£67.85	£15.99	£83.84	£1,222.26	£23.83	£0.00	£23.83	£581.81	£640.45
21	£71.24	£33.31	£104.55	£1,326.82	£25.02	£0.00	£25.02	£606.83	£719.98
22	£74.80	£16.80	£91.60	£1,418.42	£26.27	£0.00	£26.27	£633.10	£785.31
23	£78.54	£17.22	£95.76	£1,514.17	£27.59	£0.00	£27.59	£660.69	£853.48
24	£82.47	£35.87	£118.34	£1,632.52	£28.96	£0.00	£28.96	£689.65	£942.87
25	£86.59	£18.09	£104.68	£1,737.20	£30.41	£0.00	£30.41	£720.07	£1,017.13

Energy Inflation 5.0%
 Maintenance Inflation 2.5%

Description	50W SON T				Aspect 1 27W				
Supplier	EXISTING				TRT Lighting				
Lamp Charge Code	14 0050 1000 100				41 0019 0016 100				
Nominal Wattage	50				27				
Actual Circuit Wattage	69				27				
Gaurantee Period (years)	0				12				
Energy Cost/unit	0.107669				0.107669				
Annual energy use @ unit rate	£31.77				£13.71				
Supply & Install	£0.00				£270.00				
Bulb Change	£7.33				£0.00				
Yearly repairs	£10.00								
Year	Energy Cost	Installation & Maintenance	Annual Cost	Cumulative cost	Energy Cost	Installation & Maintenance	Running Costs	Cumulativ e cost	Saving
1	£31.77	£10.00	£41.77	£41.77	£13.71	£270.00	£283.71	£283.71	-£241.94
2	£33.36	£10.25	£43.61	£85.38	£14.40	£0.00	£14.40	£298.11	-£212.73
3	£35.03	£7.70	£42.73	£128.11	£15.12	£0.00	£15.12	£313.22	-£185.11
4	£36.78	£10.77	£47.55	£175.65	£15.87	£0.00	£15.87	£329.09	-£153.44
5	£38.62	£11.04	£49.65	£225.31	£16.66	£0.00	£16.66	£345.76	-£120.45
6	£40.55	£8.29	£48.84	£274.15	£17.50	£0.00	£17.50	£363.25	-£89.11
7	£42.57	£11.60	£54.17	£328.32	£18.37	£0.00	£18.37	£381.63	-£53.31
8	£44.70	£11.89	£56.59	£384.91	£19.29	£0.00	£19.29	£400.92	-£16.01
9	£46.94	£8.93	£55.87	£440.78	£20.26	£0.00	£20.26	£421.17	£19.61
10	£49.29	£12.49	£61.77	£502.55	£21.27	£0.00	£21.27	£442.44	£60.11
11	£51.75	£12.80	£64.55	£567.11	£22.33	£0.00	£22.33	£464.78	£102.33
12	£54.34	£9.62	£63.96	£631.06	£23.45	£0.00	£23.45	£488.22	£142.84
13	£57.05	£13.45	£70.50	£701.56	£24.62	£0.00	£24.62	£512.84	£188.72
14	£59.91	£13.79	£73.69	£775.26	£25.85	£0.00	£25.85	£538.70	£236.56
15	£62.90	£10.36	£73.26	£848.52	£27.14	£0.00	£27.14	£565.84	£282.67
16	£66.05	£14.48	£80.53	£929.05	£28.50	£0.00	£28.50	£594.34	£334.70
17	£69.35	£14.85	£84.19	£1,013.24	£29.93	£0.00	£29.93	£624.27	£388.97
18	£72.82	£11.15	£83.97	£1,097.21	£31.42	£0.00	£31.42	£655.69	£441.52
19	£76.46	£15.60	£92.05	£1,189.27	£32.99	£0.00	£32.99	£688.69	£500.58
20	£80.28	£15.99	£96.27	£1,285.53	£34.64	£0.00	£34.64	£723.33	£562.20
21	£84.30	£12.01	£96.31	£1,381.84	£36.38	£0.00	£36.38	£759.71	£622.13
22	£88.51	£16.80	£105.31	£1,487.15	£38.20	£0.00	£38.20	£797.91	£689.24
23	£92.94	£17.22	£110.15	£1,597.30	£40.11	£0.00	£40.11	£838.01	£759.29
24	£97.58	£12.93	£110.52	£1,707.81	£42.11	£0.00	£42.11	£880.12	£827.69
25	£102.46	£18.09	£120.55	£1,828.36	£44.22	£0.00	£44.22	£924.34	£904.02

Energy Inflation 5.0%
 Maintenance Inflation 2.5%

Description	70W SON T				Aspect 1 27W				
Supplier	EXISTING				TRT Lighting				
Lamp Charge Code	14 0050 1000 100				41 0019 0016 100				
Nominal Wattage	70				27				
Actual Circuit Wattage	90				27				
Gaurantee Period (years)	0				12				
Energy Cost/unit	0.107669				0.107669				
Annual energy use @ unit rate	£41.15				£13.71				
Supply & Install	£0.00				£270.00				
Bulb Change	£7.33				£0.00				
Yearly repairs	£10.00								
Year	Energy Cost	Installation & Maintenance	Annual Cost	Cumulative cost	Energy Cost	Installation & Maintenance	Running Costs	Cumulativ e cost	Saving
1	£41.15	£10.00	£51.15	£51.15	£13.71	£270.00	£283.71	£283.71	-£232.56
2	£43.21	£10.25	£53.46	£104.61	£14.40	£0.00	£14.40	£298.11	-£193.50
3	£45.37	£7.70	£53.07	£157.68	£15.12	£0.00	£15.12	£313.22	-£155.54
4	£47.64	£10.77	£58.41	£216.08	£15.87	£0.00	£15.87	£329.09	-£113.01
5	£50.02	£11.04	£61.06	£277.14	£16.66	£0.00	£16.66	£345.76	-£68.62
6	£52.52	£8.29	£60.81	£337.95	£17.50	£0.00	£17.50	£363.25	-£25.30
7	£55.14	£11.60	£66.74	£404.69	£18.37	£0.00	£18.37	£381.63	£23.06
8	£57.90	£11.89	£69.79	£474.48	£19.29	£0.00	£19.29	£400.92	£73.56
9	£60.80	£8.93	£69.73	£544.21	£20.26	£0.00	£20.26	£421.17	£123.03
10	£63.84	£12.49	£76.33	£620.53	£21.27	£0.00	£21.27	£442.44	£178.09
11	£67.03	£12.80	£79.83	£700.36	£22.33	£0.00	£22.33	£464.78	£235.59
12	£70.38	£9.62	£80.00	£780.36	£23.45	£0.00	£23.45	£488.22	£292.14
13	£73.90	£13.45	£87.35	£867.71	£24.62	£0.00	£24.62	£512.84	£354.87
14	£77.59	£13.79	£91.38	£959.09	£25.85	£0.00	£25.85	£538.70	£420.39
15	£81.47	£10.36	£91.83	£1,050.92	£27.14	£0.00	£27.14	£565.84	£485.08
16	£85.55	£14.48	£100.03	£1,150.95	£28.50	£0.00	£28.50	£594.34	£556.61
17	£89.83	£14.85	£104.67	£1,255.62	£29.93	£0.00	£29.93	£624.27	£631.35
18	£94.32	£11.15	£105.47	£1,361.09	£31.42	£0.00	£31.42	£655.69	£705.40
19	£99.03	£15.60	£114.63	£1,475.72	£32.99	£0.00	£32.99	£688.69	£787.03
20	£103.98	£15.99	£119.97	£1,595.69	£34.64	£0.00	£34.64	£723.33	£872.36
21	£109.18	£12.01	£121.19	£1,716.89	£36.38	£0.00	£36.38	£759.71	£957.18
22	£114.64	£16.80	£131.44	£1,848.33	£38.20	£0.00	£38.20	£797.91	£1,050.42
23	£120.37	£17.22	£137.59	£1,985.92	£40.11	£0.00	£40.11	£838.01	£1,147.90
24	£126.39	£12.93	£139.33	£2,125.24	£42.11	£0.00	£42.11	£880.12	£1,245.12
25	£132.71	£18.09	£150.80	£2,276.04	£44.22	£0.00	£44.22	£924.34	£1,351.70

Energy Inflation 5.0%
Maintenance Inflation 2.5%

Description	100W SON T				Aspect 2 57W				
Supplier	EXISTING				TRT Lighting				
Lamp Charge Code	14 0050 1000 100				41 0019 0016 100				
Nominal Wattage	100				57				
Actual Circuit Wattage	123				57				
Gaurantee Period (years)	0				12				
Energy Cost/unit	0.107669				0.107669				
Annual energy use @ unit rate	£55.89				£26.41				
Supply & Install	£0.00				£310.00				
Bulb Change	£8.31				£0.00				
Yearly repairs	£10.00								
Year	Energy Cost	Installation & Maintenance	Annual Cost	Cumulative cost	Energy Cost	Installation & Maintenance	Running Costs	Cumulative cost	Saving
1	£55.89	£10.00	£65.89	£65.89	£26.41	£310.00	£336.41	£336.41	-£270.52
2	£58.68	£10.25	£68.93	£134.82	£27.73	£0.00	£27.73	£364.14	-£229.32
3	£61.62	£8.73	£70.35	£205.17	£29.12	£0.00	£29.12	£393.26	-£188.08
4	£64.70	£10.77	£75.47	£280.64	£30.57	£0.00	£30.57	£423.83	-£143.19
5	£67.93	£11.04	£78.97	£359.62	£32.10	£0.00	£32.10	£455.93	-£96.32
6	£71.33	£9.40	£80.73	£440.35	£33.71	£0.00	£33.71	£489.64	-£49.29
7	£74.90	£11.60	£86.49	£526.84	£35.39	£0.00	£35.39	£525.03	£1.81
8	£78.64	£11.89	£90.53	£617.37	£37.16	£0.00	£37.16	£562.19	£55.18
9	£82.57	£10.12	£92.70	£710.07	£39.02	£0.00	£39.02	£601.21	£108.86
10	£86.70	£12.49	£99.19	£809.27	£40.97	£0.00	£40.97	£642.18	£167.08
11	£91.04	£12.80	£103.84	£913.11	£43.02	£0.00	£43.02	£685.20	£227.90
12	£95.59	£10.90	£106.49	£1,019.60	£45.17	£0.00	£45.17	£730.37	£289.23
13	£100.37	£13.45	£113.82	£1,133.42	£47.43	£0.00	£47.43	£777.80	£355.62
14	£105.39	£13.79	£119.17	£1,252.59	£49.80	£0.00	£49.80	£827.60	£424.99
15	£110.66	£11.74	£122.40	£1,374.99	£52.29	£0.00	£52.29	£879.89	£495.10
16	£116.19	£14.48	£130.67	£1,505.67	£54.90	£0.00	£54.90	£934.79	£570.87
17	£122.00	£14.85	£136.85	£1,642.51	£57.65	£0.00	£57.65	£992.44	£650.07
18	£128.10	£12.64	£140.75	£1,783.26	£60.53	£0.00	£60.53	£1,052.98	£730.28
19	£134.51	£15.60	£150.10	£1,933.36	£63.56	£0.00	£63.56	£1,116.54	£816.83
20	£141.23	£15.99	£157.22	£2,090.58	£66.74	£0.00	£66.74	£1,183.27	£907.31
21	£148.29	£13.62	£161.91	£2,252.49	£70.07	£0.00	£70.07	£1,253.35	£999.14
22	£155.71	£16.80	£172.50	£2,424.99	£73.58	£0.00	£73.58	£1,326.92	£1,098.07
23	£163.49	£17.22	£180.71	£2,605.70	£77.26	£0.00	£77.26	£1,404.18	£1,201.52
24	£171.67	£14.66	£186.33	£2,792.03	£81.12	£0.00	£81.12	£1,485.30	£1,306.73
25	£180.25	£18.09	£198.34	£2,990.37	£85.17	£0.00	£85.17	£1,570.47	£1,419.90

Parish	Current Costs				Post LED conversion costs				Parish Costs						
	Current community lighting Cost	Highway Lighting Cost	Other - SIDS, VAS etc	Current Total Energy Cost	Future community lighting Cost	Future Highway Lighting Cost	Future Other - SIDS, VAS etc	Post LED Upgrade Energy Cost	Current Parish Contribution	Proposed Parish Contribution	Total LED Upgrade Cost	Annual Energy Saving	Annual Maintenance Saving	Total Annual Saving	Return on Investment (years)
Ashwell	£ 1,116.33	£ -	£ -	£ 1,116.33	£ 376.56	£ -	£ -	£ 376.56	£ 193.00	£ 376.56	£ 9,450.00	£ 739.77	£ 477.99	£ 1,217.76	7.76
Barleythorpe	£ 53.71	£ 243.08	£ -	£ 296.79	£ 18.86	£ 219.50	£ -	£ 238.36	£ 88.00	£ 18.86	£ 1,080.00	£ 58.43	£ 72.66	£ 131.09	8.24
Barrow	£ 119.18	£ -	£ -	£ 119.18	£ 66.02	£ -	£ -	£ 66.02	£ 43.00	£ 66.02	£ 1,890.00	£ 53.16	£ 108.87	£ 162.03	11.66
Barrowden	£ 1,475.40	£ -	£ -	£ 1,475.40	£ 643.16	£ -	£ -	£ 643.16	£ 300.00	£ 643.16	£ 13,230.00	£ 832.24	£ 644.68	£ 1,476.92	8.96
Belton	£ 392.63	£ -	£ 153.48	£ 546.11	£ 221.09	£ -	£ 153.48	£ 374.57	£ 223.00	£ 221.09	£ 4,590.00	£ 171.54	£ 182.71	£ 354.25	12.96
Bisbrooke	£ 231.51	£ -	£ -	£ 231.51	£ 114.47	£ -	£ -	£ 114.47	£ 223.00	£ 114.47	£ 2,970.00	£ 117.04	£ 155.77	£ 272.81	10.89
Braunston in Rutland	£ 627.61	£ -	£ 29.63	£ 657.24	£ 259.07	£ -	£ 29.63	£ 288.70	£ 254.00	£ 259.07	£ 5,670.00	£ 368.54	£ 316.41	£ 684.95	8.28
Burley	£ 161.17	£ 1,373.51	£ 64.75	£ 1,599.43	£ 56.60	£ 694.31	£ 64.75	£ 815.66	£ -	£ 56.60	£ 7,700.00	£ 783.77	£ 260.48	£ 1,044.25	7.37
Caldecott	£ 368.30	£ 381.11	£ 39.51	£ 788.92	£ 144.05	£ 130.05	£ 39.51	£ 313.61	£ 192.00	£ 144.05	£ 6,210.00	£ 475.31	£ 265.82	£ 741.13	8.38
Clipsham	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	0.00
Cottesmore	£ 2,917.89	£ 813.36	£ 197.56	£ 3,928.81	£ 1,615.26	£ 122.61	£ 197.56	£ 1,935.43	£ -	£ 1,615.26	£ 22,950.00	£ 1,993.38	£ 1,138.22	£ 3,131.60	7.33
Edith Weston	£ 1,079.25	£ -	£ 165.35	£ 1,244.60	£ 383.71	£ -	£ 165.35	£ 549.06	£ 902.00	£ 383.71	£ 9,450.00	£ 695.54	£ 467.78	£ 1,163.32	8.12
Eggleton	£ 103.54	£ -	£ -	£ 103.54	£ 66.02	£ -	£ -	£ 66.02	£ 50.00	£ 66.02	£ 1,890.00	£ 37.52	£ 73.13	£ 110.65	17.08
Empingham	£ 1,642.89	£ 273.08	£ 111.42	£ 2,027.39	£ 585.21	£ 97.92	£ 111.42	£ 794.55	£ 640.00	£ 585.21	£ 16,200.00	£ 1,232.84	£ 1,011.67	£ 2,244.51	7.22
Essendine	£ 473.40	£ 295.39	£ 9.88	£ 778.67	£ 386.29	£ 103.75	£ 9.88	£ 499.92	£ 151.00	£ 386.29	£ 4,320.00	£ 278.75	£ 248.85	£ 527.60	8.19
Exton (inc. Barnsdale Top)	£ 857.19	£ -	£ 63.04	£ 920.23	£ 409.57	£ -	£ 63.04	£ 472.61	£ 416.00	£ 409.57	£ 10,800.00	£ 447.62	£ 479.17	£ 926.79	11.65
Glaston	£ 149.01	£ 224.11	£ 25.22	£ 398.34	£ 57.88	£ 94.11	£ 25.22	£ 177.21	£ 125.00	£ 57.88	£ 3,050.00	£ 221.13	£ 119.56	£ 340.68	8.95
Great Casterton	£ 1,067.59	£ 335.85	£ 57.53	£ 1,460.97	£ 508.30	£ 225.95	£ 57.53	£ 791.78	£ 292.00	£ 508.30	£ 9,800.00	£ 669.19	£ 800.92	£ 1,470.11	6.67
Greetham	£ 451.40	£ 627.06	£ 148.17	£ 1,226.63	£ 250.38	£ 265.67	£ 148.17	£ 664.22	£ 373.00	£ 250.38	£ 11,340.00	£ 562.41	£ 449.01	£ 1,011.42	11.21
Gunthorpe	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	0.00
Hambleton	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	0.00
Ketton	£ 4,124.52	£ 960.03	£ 215.63	£ 5,300.18	£ 1,588.94	£ 348.02	£ 215.63	£ 2,152.59	£ 1,266.00	£ 1,588.94	£ 46,980.00	£ 3,147.59	£ 2,359.50	£ 5,507.09	8.53
Langham	£ 2,166.64	£ 187.97	£ 215.63	£ 2,570.24	£ 780.47	£ 66.02	£ 215.63	£ 1,062.12	£ 807.00	£ 780.47	£ 21,330.00	£ 1,508.12	£ 1,126.60	£ 2,634.72	8.10
Little Casterton & Toll Bar	£ 161.12	£ 1,694.33	£ 49.39	£ 1,904.84	£ 56.59	£ 720.04	£ 49.39	£ 826.02	£ 142.00	£ 56.59	£ 22,800.00	£ 1,078.82	£ 829.75	£ 1,908.57	11.95
Lyddington	£ 761.78	£ -	£ 19.76	£ 781.54	£ 273.51	£ -	£ 19.76	£ 293.27	£ 264.00	£ 273.51	£ 7,830.00	£ 488.27	£ 440.84	£ 929.11	8.43
Lyndon	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	0.00
Manton	£ 1,216.19	£ -	£ 111.39	£ 1,327.58	£ 195.08	£ -	£ 111.39	£ 306.47	£ 244.00	£ 195.08	£ 6,480.00	£ 1,021.11	£ 291.59	£ 1,312.70	4.94
Market Overton	£ 560.53	£ -	£ 9.88	£ 570.41	£ 543.11	£ -	£ 9.88	£ 552.99	£ 240.00	£ 543.11	£ 270.00	£ 17.42	£ 15.55	£ 32.97	8.19
Morcott	£ 456.51	£ 1,839.20	£ 143.76	£ 2,439.47	£ 160.34	£ 1,325.48	£ 143.76	£ 1,629.58	£ 263.00	£ 160.34	£ 9,350.00	£ 809.89	£ 405.33	£ 1,215.22	7.69
Normanton	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	0.00
North Luffenham	£ 1,923.08	£ -	£ 143.76	£ 2,066.83	£ 720.96	£ -	£ 143.76	£ 864.72	£ 433.00	£ 720.96	£ 18,900.00	£ 1,202.12	£ 1,001.93	£ 2,204.05	8.58
Oakham	£ 18,917.20	£ 27,323.98	£ 3,403.89	£ 49,645.07	£ 11,361.36	£ 13,816.99	£ 3,403.89	£ 28,582.24	£ -	£ 11,361.36	£ 204,290.00	£ 21,062.83	£ 6,937.28	£ 28,000.11	7.30
Pickworth	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	0.00
Pilton	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	0.00
Preston	£ 397.19	£ 123.45	£ 59.27	£ 579.91	£ 126.48	£ 39.02	£ 59.27	£ 224.77	£ 146.00	£ 126.48	£ 3,510.00	£ 355.14	£ 458.92	£ 814.06	4.31
Ridlington	£ 452.63	£ -	£ -	£ 452.63	£ 143.06	£ -	£ -	£ 143.06	£ 130.00	£ 143.06	£ 2,970.00	£ 309.57	£ 114.92	£ 424.49	7.00
Ryhall	£ 4,033.08	£ 1,697.66	£ 343.21	£ 6,073.95	£ 1,533.25	£ 765.80	£ 343.21	£ 2,642.26	£ 1,243.00	£ 1,533.25	£ 47,940.00	£ 3,431.69	£ 2,364.19	£ 5,795.88	8.27
Seaton	£ 658.38	£ -	£ -	£ 658.38	£ 208.08	£ -	£ -	£ 208.08	£ 121.00	£ 208.08	£ 4,320.00	£ 450.30	£ 167.16	£ 617.46	7.00
South Luffenham	£ 1,144.22	£ 1,425.50	£ 315.46	£ 2,885.19	£ 417.86	£ 594.16	£ 315.46	£ 1,327.48	£ 121.00	£ 208.08	£ 18,620.00	£ 1,557.71	£ 852.92	£ 2,410.63	7.72
Stoke Dry	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	0.00
Stretton	£ 1,033.34	£ 2,434.74	£ 158.05	£ 3,626.13	£ 370.41	£ 1,246.47	£ 158.05	£ 1,774.93	£ 347.00	£ 417.86	£ 20,900.00	£ 1,851.20	£ 847.82	£ 2,699.02	7.74
Teigh	£ 153.92	£ -	£ -	£ 153.92	£ 61.45	£ -	£ -	£ 61.45	£ 42.00	£ 61.45	£ 1,350.00	£ 92.47	£ 101.27	£ 193.74	6.97
Thistleton	£ 411.49	£ -	£ 9.88	£ 421.37	£ 130.05	£ -	£ 9.88	£ 139.93	£ 82.00	£ 130.05	£ 2,700.00	£ 281.44	£ 104.48	£ 385.92	7.00
Thorpe by Water	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	0.00
Tickencote	£ 220.98	£ -	£ -	£ 220.98	£ 78.03	£ -	£ -	£ 78.03	£ 48.00	£ 78.03	£ 1,620.00	£ 142.95	£ 62.69	£ 205.64	7.88
Tinwell	£ 477.75	£ 1,732.55	£ 29.63	£ 2,239.93	£ 154.77	£ 747.53	£ 29.63	£ 931.93	£ 60.00	£ 154.77	£ 9,660.00	£ 1,308.00	£ 479.88	£ 1,787.88	5.40
Tixover	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	0.00
Uppingham	£ 8,324.08	£ 11,705.00	£ 429.23	£ 20,458.31	£ 3,358.36	£ 5,383.04	£ 429.23	£ 9,170.63	£ 2,100.00	£ 3,358.36	£ 138,410.00	£ 11,287.69	£ 5,075.68	£ 16,363.37	8.46
Wardley	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	£ -	0.00
Whissendine	£ 3,517.75	£ -	£ 39.51	£ 3,557.26	£ 1,309.18	£ -	£ 39.51	£ 1,348.69	£ 821.00	£ 1,309.18	£ 32,670.00	£ 2,208.57	£ 1,641.98	£ 3,850.55	8.48
Whitwell	£ -	£ 161.12	£ 19.76	£ 180.88	£ -	£ 56.59	£ 19.76	£ 76.35	£ 28.00	£ -	£ 1,350.00	£ 104.53	£ 77.77	£ 182.30	7.41
Wing	£ 653.62	£ -	£ -	£ 653.62	£ 195.08	£ -	£ -	£ 195.08	£ 226.00	£ 195.08	£ 4,590.00	£ 458.54	£ 182.71	£ 641.25	7.16
	£ 65,054.00	£ 55,852.08	£ 6,782.62	£ 127,688.70	£ 29,928.91	£ 27,063.03	£ 6,782.63	£ 63,774.57	£ 13,639.00	£ 29,766.58	£ 771,430.00	£ 63,914.14	£ 33,214.44	£ 97,128.57	7.94
									Additional Parish Contribution	£ 16,127.58		Plus Additional Parish Payments		£ 113,256.15	6.81

Parish	Annual Contribution Received from Parishes	Street Lighting Gross Parish Expenditure								Current calculated Parish energy costs £0.12	Proposed Parish Contribution after LED conversions £0.107669
		2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	Energy Price/unit		
Ashwell	193.00	514.80	914.55	727.32	826.08	771.80	774.68	772.29		419.69	376.56
Barleythorpe	88.00	209.83	215.64	249.84	215.64	217.29	217.27	217.49		21.02	18.86
Barrow	43.00	182.85	155.88	104.17	84.00	84.00	84.00	84.00		73.58	66.02
Barrowden	300.00	1,190.00	1,310.00	1,440.00	1,580.00	1,660.00	1,830.00	2,010.00		716.82	643.16
Belton	223.00	772.41	719.84	762.31	719.83	837.58	752.91	756.05		246.41	221.09
Bisbrooke	223.00	294	584	188	108	108	108	108		127.58	114.47
Braunston	254.00	542.67	489.87	360.45	288.36	588.00	376.00	391.00		288.74	259.07
Caldecott	192.00	477.96	751.95	799.03	823.55	746.39	760.12	762.47		160.55	144.05
Edith Weston	902.00	-	-	-	-	-	3,016.22	800.14		427.05	383.17
Egleton	50.00	303.78	289.39	289.82	183.96	183.96	183.96	183.96		73.58	66.02
Empingham	640.00	1,987.30	2,316.00	1,346.52	874.76	2,611.82	1,147.00	1609.00		652.23	585.21
Essendine	151.00	401.74	619.27	535.92	650.54	600.20	602.34	600.52		430.53	386.29
Exton (inc. Barnsdale Top)	416.00	1,235.34	1,435.00	1,223.38	1,110.67	1,349.55	1,100.00	844.00		456.48	409.57
Glaston	125.00	290.00	320.00	350.00	390.00	410.00	450.00	500.00		64.51	57.88
Great Casterton	292.00	678.34	1,247.54	993.44	1,339.70	1,040.00	856.00	855.00		566.51	508.30
Greetham	373.00	1,346.59	1,594.92	1,626.70	1,712.25	1,615.49	1,621.00	1900.00		279.06	250.38
Ketton	1,266.00	5,222.98	3,634.73	4,219.00	4,539.00	5,053.00	5,913.00	6340.00		1,770.92	1588.94
Langham	807.00	2,021.89	3,345.79	2,417.00	2,629.00	1,713.62	2,503.00	4407.00		869.85	780.47
Little Casterton & Toll Bar	142.00	353.06	590.90	587.87	536.38	567.41	563.69	567.91		63.07	56.59
Lyddington	264.00	981.82	1,057.95	1,057.95	1,057.95	1,057.95	1,323.00	2097.29		304.83	273.51
Manton	244.00	671.00	1,108.00	901.00	1,309.00	955.00	934.00	1415.00		217.42	195.08
Market Overton	240.00	1,053.61	1,335.67	1,406.52	1,036.37	277.21	240.00	244.00		605.31	543.11
Morcott	263.00	395.06	662.36	759.09	712.15	660.07	696.90	695.89		178.70	160.34
North Luffenham	433.00	640.00	700.00	770.00	850.00	890.00	980.00	1080.00		803.53	720.96
Preston	146.00	341.61	742.73	383.00	246.48	246.48	246.48	246.48		140.97	126.48
Ridlington	130.00	285.04	529.24	482.90	524.64	532.27	497.52	496.87		159.44	143.06
Ryhall (inc Belmesthorpe)	1,243.00	2,554.00	3,305.00	4,017.00	3,165.00	3,282.00	3,003.00	6208.00		1,708.85	1533.25
Seaton	121.00	386.30	575.04	574.51	455.55	856.95	630.10	594.85		231.91	208.08
South Luffenham	121.00	667.20	1,716.45	1,629.62	1,402.20	1,539.00	1,537.45	1615.32		231.91	208.08
Stretton	347.00	141.83	181.92	226.38	181.92	183.35	183.22	183.40		465.72	417.86
Teigh	42.00	175.63	235.86	86.30	68.40	68.40	68.40	68.40		68.49	61.45
Thistleton	82.00	261.32	220.14	129.34	136.80	136.80	136.80	136.80		144.94	130.05
Tickencote	48.00	118.71	239.82	125.10	82.08	82.08	82.08	82.08		86.97	78.03
Tinwell	60.00	60.00	70.00	80.00	90.00	90.00	100.00	110.00		172.50	154.77
Uppingham	2,100.00	1,675.99	2,178.43	2,364.64	2,721.94	3,186.40	2,100.00	2000.00		3,742.98	3358.36
Whissendine	821.00	1,957.81	2,057.74	2,070.68	2,012.49	2,038.84	3,700.00	2726.00		1,459.12	1309.18
Whitwell	28.00	228.90	251.64	158.20	95.76	95.76	95.76	95.76		-	0.00
Wing	226.00	626.77	547.28	648.96	581.12	683.85	660.00	565.00		217.42	195.08
Total Parish Cost		31,247.72	38,250.67	36,092.18	35,341.57	37,020.52	40,073.90	44,369.97			
Total Parish Contribution	13,639.00	13,639	13,639	13,639	13,639	13,639	13,639	13,639			
Net RCC Contribution		17,608.72	24,611.67	22,453.18	21,702.57	23,381.52	26,434.90	30,730.97			

Parishes Making No Current Contribution

Burley on the Hill										63.08	56.60
Clipsham										-	-
Cottesmore										1,800.25	1,615.26
Gunthorpe										-	-
Hambleton										-	-
Lyndon										-	-
Normanton										-	-
Oakham										12,662.54	11,361.36
Pickworth										-	-
Pilton										-	-
Stoke Dry										-	-
Thorpe by Water										-	-
Tixover										-	-
Wardley										-	-
Total Energy Cost										33,175	29,766.05
Total Parish Contribution										13,639	29,766.05

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