

Public Document Pack



Committee: Overview and Scrutiny Committee
Date: Tuesday 13 October 2015
Time: 6.30 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor David Hughes (Chairman)	Councillor Lynn Pratt (Vice-Chairman)
Councillor Claire Bell	Councillor Timothy Hallchurch MBE
Councillor Chris Heath	Councillor Matt Johnstone
Councillor Alastair Milne Home	Councillor James Porter
Councillor Neil Prestidge	Councillor Sandra Rhodes
Councillor Lawrie Stratford	Councillor Bryn Williams

AGENDA

Overview and Scrutiny Members should not normally be subject to the party whip. Where a member is subject to a party whip they must declare this at the beginning of the meeting and it should be recorded in the minutes.

1. Apologies for Absence and Notification of Substitute Members

2. Declarations of Interest

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.

3. Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

4. **Minutes** (Pages 1 - 6)

To confirm as a correct record the minutes of the meeting held on .

5. **Chairman's Announcements**

To receive communications from the Chairman.

6. **Safeguarding** (Pages 7 - 14)

Report of Director of Community and Environment

Purpose of report

To present to the Overview and Scrutiny Committee a contextual document to assist the Committee in how best to consider this wide ranging and important subject.

Recommendations

The Committee is recommended:

- 1.1 To note the report and the current level of activity; and
- 1.2 To receive a further safeguarding report following the completion of the internal review process.

7. **To review and consider any disconnect between Planning Policy and the Allocation of Rural Affordable Housing** (Pages 15 - 138)

Report of the Head of Regeneration and Housing

Purpose of report

To review and consider any disconnect between planning policy and Cherwell's Allocations Scheme

Recommendations

The meeting is recommended:

- 1.1 To note the contents of the report
- 1.2 To note further changes to Cherwell's Allocations Scheme adopted following the decision of Cherwell Executive on 1 June 2015.

8. Work Programme 2015/16 (Pages 139 - 148)

Report of the Head of Law and Governance

Purpose of report

This report presents the Overview and Scrutiny Committee work programme 2015/16 for consideration.

Recommendations

The meeting is recommended:

- 1.1 To consider the Overview and Scrutiny Committee Work Programme 2015/16 as set out at Appendix 1 of the report.
- 1.2 To reschedule items relating to review of local plan process and Wind Turbines and their locations, and the application of the fracturing mining technique
- 1.3 To appoint a representative to the Graven Hill Partnering Board, as requested by Executive
- 1.4 To note any items of interest in the Executive Work Programme and consider whether to include them on the Overview and Scrutiny Committee Work Programme 2015/16.
- 1.5 To consider if there are any other items Members would like to include on the Overview and Scrutiny Committee Work Programme.

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Meeting

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01327 322043 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Emma Faulkner, Democratic and Elections
emma.faulkner@cherwellandsouthnorthants.gov.uk, 01327 322043

Sue Smith
Chief Executive

Published on Monday 5 October 2015

Agenda Item 4

Cherwell District Council

Overview and Scrutiny Committee

Minutes of a meeting of the Overview and Scrutiny Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 1 September 2015 at 6.30 pm

Present: Councillor David Hughes (Chairman)

Councillor Claire Bell
Councillor Timothy Hallchurch MBE
Councillor Matt Johnstone
Councillor Alastair Milne Home
Councillor Neil Prestidge
Councillor Lawrie Stratford
Councillor Bryn Williams

Substitute Members: Councillor Rose Stratford (In place of Councillor Lynn Pratt)

Also Present: Councillor D M Pickford - Lead Member for Clean and Green
Councillor G A Reynolds – Deputy Leader of the Council

Apologies for absence: Councillor Lynn Pratt
Councillor Chris Heath
Councillor James Porter
Councillor Sandra Rhodes

Officers: Balvinder Heran, Joint Head of ICT Business Services for agenda item 6
Ed Potter, Head of Environmental Services, for agenda item 8
Shirley Vaughan, Performance and Planning Officer, for agenda item 7
Natasha Clark, Team Leader, Democratic and Elections
Emma Faulkner, Democratic and Elections Officer

16 **Declarations of Interest**

8. Strategic Review of Recycling.

Councillor Lawrie Stratford, Non Statutory Interest, as an Oxfordshire County Councillor (OCC) and would not participate in any discussion relating to OCC should it arise.

9. Work Programme 2015/16.

Councillor David Hughes, Declaration, as a Director of Graven Hill Village Holdings Limited.

9. Work Programme 2015/16.

Councillor Timothy Hallchurch MBE, Declaration, as a Director of Graven Hill Village Holdings Limited.

17 **Urgent Business**

There were no items of urgent business.

18 **Minutes**

The Minutes of the meeting of the Committee held on 14 July 2015 were confirmed as a correct record and signed by the Chairman.

19 **Chairman's Announcements**

The Chairman announced that agenda item 8, Strategic Review of Recycling, would be moved up the order and taken as item 6.

20 **Strategic Review of Recycling**

The Chairman welcomed the Head of Environmental Services and the Lead Member for Clean and Green to the meeting to give an overview of the Strategic Review of Recycling which was due to be considered by the Executive at its October meeting.

The Head of Environmental Services explained that changes in the recycling strategy were required due to the value of recycled materials dropping. In addition to the drop in value, some recycling facilities were increasing the gate costs charged per rate of material. Gate fees were currently picked up by contractors, but during the next tender process it was possible that the council would need to pick up such charges instead. In addition to this, changes to the rules around materials which could be recycled meant that the overall recycling rate had remained at the same level for a number of years. Therefore, any improvement in the overall rate would need to be accompanied by additional spend.

The Head of Environmental Services added that Oxfordshire County Council was currently consulting on proposed changes to their own waste arrangements, including the potential closure of the Ardley waste recycling centre, and confirmed that the council would be responding to the consultation.

Resolved

- (1) That the verbal update on the Strategic Review of Recycling be noted

21 **Scrutiny Review Updates: Website and Member IT**

The Chairman welcomed the Joint Head of ICT Business Services to the meeting to give an overview on the future provision of Member IT.

The Joint Head of ICT Business Services explained that Windows tablets would be issued to all Members after the all-out elections in May 2016. The tablets had been chosen due to the functionality they provided, and the model provided would be expected to last four years. A small group of Members were currently trialling the devices, and the Joint Head of ICT Business Services invited Members of the Overview and Scrutiny Committee to take part.

The Joint Head of ICT Business Services added that the move to tablet devices would result in a reduction in the number of paper agendas produced. A capital bid would be submitted to cover the initial cost of the devices, which would be reviewed by the Budget Planning Committee as part of the budget setting process prior to consideration by Full Council.

The Joint Head of ICT Business Services responded to detailed technical questions from the Committee.

Resolved

- (1) That the presentation on the provision of Member IT be noted

22 **Quarter 1 Performance Report, including Introduction to Performance Management Briefing**

The Performance and Planning Officer presented the report of the Head of Transformation which detailed the Council's performance during quarter 1, 1 April to 30 June 2015.

In connection with indicator CBP3 5.1b, number of visits to Woodgreen Leisure Centre, North Oxfordshire Academy and Cooper School, the committee requested that the Quarter 2 report include reference to the same figures for previous years, to provide an annual comparison.

With regard to indicator CBP3 7.6, percentage of planning appeals allowed against refusal, the committee asked if it would be possible for the figure to be broken down to show those applications refused by officers, and those refused by the Planning Committee.

Resolved

- (1) That the report be noted
- (2) That no performance related matters be referred to the Executive

23 **Work Programme 2015/16**

The Committee considered a report of the Head of Law and Governance which detailed the Overview and Scrutiny work programme for the coming year.

Councillor Neil Prestidge updated the Committee on progress of the Youth Engagement Scrutiny review. Following a meeting with the Senior Recreation Development Officer, a number of members had been appointed as 'School Champions' at schools across the district, and would speak to students to find out their concerns. The scheme would be launched during Democracy week in October, and local MP's Victoria Prentis and Nicola Blackwood would also be visiting schools that week.

The champions appointed were as follows:

Wariner School – Councillor Bryn Williams
Banbury School – Councillor Surinder Dhesi
Blessed George Napier – Councillor Claire Bell
North Oxford Academy – Councillor John Donaldson
Bicester Community College – Councillor Melanie Magee
Cooper School – Councillor Dan Sames
Gosford Hill School – Councillor Sandra Rhodes

An article would also be included in the next edition of 'In Brief' to raise awareness of the champions.

Following the presentation from the Head of Environmental Services earlier in the meeting, the Committee felt that a further update on the strategic review of recycling would be required following consideration of the report by the Executive, and requested that the item be scheduled for the October meeting.

With regard to the Website Review, the Committee requested that the Joint Head of ICT Business Services submit a written report to the November meeting of the Committee, outlining progress made so far and intended action for the website redevelopment.

Following previous requests of the Committee in relation to the Graven Hill development, officers advised that an update report had been published as part of the Executive agenda for the meeting on 7 September. One of the recommendations of the report was for a member of the Overview and Scrutiny Committee to be appointed to the Graven Hill Partnering board. In the event that Executive approved the recommendation, a representative would need to be appointed at the October Overview and Scrutiny meeting.

The Committee also requested that the Safeguarding report be scheduled for the November meeting, following its consideration by Executive.

Resolved

- (1) That, subject to the following amendments, the work programme be noted:
 - Recycling be scheduled for the October meeting, to update on discussions regarding the strategic review following consideration of the report by Executive
 - The Joint Head of ICT Business Services be requested to submit a written update on the website redevelopment to the November meeting

- Safeguarding be scheduled for the November meeting, following its consideration by Executive

The meeting ended at 8.45 pm

Chairman:

Date:

This page is intentionally left blank

Cherwell District Council

Overview and Scrutiny Committee

13 October 2015

Safeguarding

Report of Director of Community and Environment

This report is public

Purpose of report

To present to the Overview and Scrutiny Committee a contextual document to assist the Committee in how best to consider this wide ranging and important subject.

1.0 Recommendations

The Committee is recommended:

- 1.1 To note the report and the current level of activity; and
- 1.2 To receive a further safeguarding report following the completion of the internal review process.

2.0 Introduction

- 2.1 The national media coverage in the past few years of the regrettable events associated child sexual exploitation (CSE) and extremism have thrown a sharp spotlight on the whole safeguarding agenda. However, safeguarding is much wider than just these two significant issues and includes matters such as protection of vulnerable adults, child neglect, self-harm, female genital mutilation, missing children, domestic abuse, human trafficking, asylum/migrants and modern slavery.
- 2.2 The Council jointly with South Northamptonshire Council has already started taking measures to better address these matters but it is recognised that there is much still to do. This further work is necessary as it should be noted that current intelligence indicates that CSE and other safeguarding activity is evident locally and is not restricted to the relatively recent high profile incidents such as Bullfinch in Oxford and Reportage in Banbury.

3.0 Report Details

Safeguarding Responsibilities of District Councils

- 3.1 A district council has duties and responsibilities for safeguarding children and vulnerable adults under a range of legislation. District councils have a statutory 'duty to cooperate' to safeguard children as prescribed in The Children Act (1989). This includes engagement with the Local Safeguarding Children Board. In addition district councils have a duty 'to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children' under Section 11 of The Children Act 2004. Duties and responsibilities to safeguard vulnerable adults are set out in various pieces of legislation and guidance including 'The Care Standards Act (2000) and The Care Act (2014).
- 3.2 The Safeguarding Vulnerable Groups Act (2006) sets out statutory requirements preventing the employment of 'unsuitable people' to work with children and vulnerable adults. District councils must ensure they practice safe recruitment and selection and have human resources policies and practice that deal effectively with safeguarding concerns.
- 3.3 District councils have very limited direct responsibilities for safeguarding particularly that they do not have responsibility for (and indeed should not) determine whether abuse has taken, or is taking, place; nor do they have responsibility for investigating incidents or allegations as to whether abuse has taken place or making judgments about whether abuse has taken place. However, the responsibilities of district councils are to put in place a safeguarding policy and procedures, ensure that staff, managers and elected members are aware of the policy and procedures, to provide training and development on safeguarding, to know what the signs of abuse are and to know when and how to report concerns. This includes the making of referrals to the statutory agencies including the County Council and the police.
- 3.4 District councils should make a contribution to plans to safeguard and promote the wellbeing of individual children and vulnerable adults, including contributing to multi-agency planning through Child Protection Plans, the Common Assessment Framework and Team Around the Child meetings and assessments and plans made under the Care Act for vulnerable adults and vulnerable young people aged 16+ under transition arrangements. The most obvious of these are those of the local Safeguarding Children Board and the Adult Safeguarding Board.
- 3.5 District councils must also ensure that children and vulnerable adults are safeguarded within those services that they directly provide or those that they commission, through the provision of safe environments and safe working practices. This includes ensuring safeguarding standards are in place where external organisations use district council land or premises, whether or not a charge is made to do so.
- 3.6 One more recent issue was that the publication of Section 26 of the Counter-Terrorism and Security Act 2015 places a duty from 1 July 2015 on specified authorities, which include district councils, in the exercise of their functions, to have "due regard to the need to prevent people from being drawn into terrorism".

3.7 This statutory guidance stipulates that local authorities are vital to 'Prevent' work and that effective councils will be working with their local partners to protect the public, prevent crime and promote strong integrated communities. It goes on to provide that local authorities, including elected members and senior officers, should be carrying out activity in the following areas engaging with the County Council, the police and other agencies as appropriate:-

Partnership - via establishing or making use of an existing local multi-agency group to agree risk and co-ordinate 'Prevent' activity.

Risk Assessment – using existing counter-terrorism local profiles (“CTLPs”) produced by the police on a regional basis to assess the risk of individuals being drawn into terrorism.

Action Plan – to be developed where a risk is identified including prioritising and facilitating the delivery of projects, activities or specific interventions to reduce the risk of people being drawn into terrorism.

Staff Training – local authorities will be expected to ensure appropriate front line staff, including those of its contractors have a good understanding of 'Prevent'.

Use of local authority resources – Councils are expected to ensure that publicly owned venues and resources do not provide a platform for extremists and are not used to disseminate extremist views.

Collaboration - in two tier areas, county and district councils will need to agree proportionate arrangements for sharing the assessment of risk and the development of local action plans as appropriate.

Particularly noteworthy is the statement in the guidance that “*the duty does not confer new functions on any specified authority. The term “due regard” means that the authorities should place an appropriate amount of weight on the need to prevent people being drawn into terrorism when they consider all the other factors relevant to how they carry out their usual functions*”. Accordingly this new statutory duty is not seen as justifying the allocation of additional resources to local authorities from government.

3.8 The Prevent Strategy, published by the Government in 2011, is part of the overall counter-terrorism strategy, CONTEST. The aim of the Prevent Strategy is to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism and has three specific strategic objectives:

- respond to the ideological challenge of terrorism and the threat we face from those who promote it;
- prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support; and
- work with sectors and institutions where there are risks of radicalisation that we need to address.

Section 11 Audit Returns – Safeguarding Children

- 3.9 Each year, each district council is required to undertake a form of self-assessment audit that aims to assess the effectiveness of its arrangements for safeguarding children at a strategic level. Each agency or organisation must ensure that any statements made within the tool are backed by evidence. Wherever possible, evidence of impact on improving outcomes for children should be identified.
- 3.10 The assessment is made against eight standards based on the requirements of Section 11 of the Children's Act 2004. Throughout the self-assessment, consideration must be given to evidencing improved outcomes for children young people and their families as a result of the arrangements.

Internal Review

- 3.11 The events in Oxfordshire over the past two years have prompted some immediate action by the Council some of which has been replicated in South Northamptonshire Council to ensure maximum shared benefit across both councils. This has included;
- raising the profile of CSE and Safeguarding
 - improving training of front line staff with regard to CSE
 - revising guidance for Hackney Carriage and Private Hire vehicles
 - updating policies and procedures to better reflect the multi-agency nature of the structures the Council is working within and verifying that they are being followed
 - establish nominated lead officers to coordinate safeguarding matters. Ian Davies (Director of Community and Environment) is the strategic lead, Nicola Riley (Interim Community, Partnerships and Recreation Manager), supported by Paula Judd (SNC Community Development Manager), are the Council's nominated operational officer leads for CSE and other safeguarding matters
 - providing timely responses to requests for information when partners are dealing with cases or suspected cases of abuse, CSE, street grooming etc
 - being active participants in all relevant meetings associated with the Community Safety Partnership networks and safeguarding organisations.
 - reviewing the Council's internal intelligence to ensure the timely flow of relevant operational information across different services and upwards to senior managers and councillors.
 - Preparing for a central record of safeguarding training and DBS checks to be kept by HR. Currently the Council has a piecemeal system which does not allow it to alert staff to refresh their training and DBS re-checks. This is a particular statutory Section 11 Safeguarding return requirement.
- 3.12 Much of this work has already commenced but there is more still to do. In addition, the Council needs to look at the whole safeguarding agenda and not solely concentrate on the two most obvious of safeguarding issues of CSE and the prevention of terrorism and extremism. Staff with operational responsibility for community safety and safeguarding functions have already started to;
- Look at ensuring the Council has consistent and robust safeguarding escalation protocols in place at both Cherwell District and South Northamptonshire Councils.

- Undertake a review of services in relation to this area of work.
- Consider intelligence gaps and the Council's requirements from partner agencies.
- Consider a strategic approach to capturing data and overlaying that on the existing demographic data for both districts.
- Prepare and implement better internal reporting protocols and mechanisms for front line staff.
- Consider a series of member engagement events
- Consider a strategic approach around public awareness and neighbourhood development activity

3.13 As a consequence of the acknowledged need to improve in many areas, a thorough internal review by an experienced external professional has been commissioned to;

- To review past and current practice in both councils.
- To make recommendations for the future arrangements to manage safeguarding responsibilities in both councils.
- To consider child sexual exploitation (CSE) as a central element to the review.
- To consider wider safeguarding children responsibilities and safeguarding responsibilities in relation to the 'Prevent' agenda, tackling violent extremism, terrorism and safeguarding vulnerable adults.
- To consider the responsibilities within the two tier council structures, including any areas specific to the individual council partnerships.
- To review the Section 11 Self-Assessments and provide an analysis of the robustness of those audits.
- To consider how the Section 11 Audits are informing front line practice and service development.

3.14 The review is still in progress and due for completion in October 2015. Early indications are that there will be many aspects which are positive but likewise many areas of improvement will be identified. One particular improvement aspect will be the wider involvement of Members through the scrutiny function. Further expected outcomes include the need for greater multi-agency engagement particularly with the police and the two Safeguarding Boards, improved internal arrangements for reporting, communication, training and planning and improved information sharing protocols. It is proposed that the report when finalised be presented for consideration to a future Overview and Scrutiny Committee meeting.

Proposals for See it Report It

3.15 It is recognised that the Council has many opportunities through its different services and activities to obtain intelligence and data from residents, neighbourhoods and communities. However, until recently, it did not have an internal process which encourages staff to log what they see or are concerned about and to pull all these contributions together. See It Report It is intended to be an internal communication process for all front line staff, initially at Cherwell District Council before wider role out at South Northamptonshire Council. It is intended to be an easy process to share with others internally, reporting anything of an unusual, concerning or of a suspicious nature. From this, additional information and intelligence from partner agencies such as the police and County Council will be

added and a small group of officers will periodically review the information submitted to draw links, determine conclusions and to take appropriate escalation and other actions if required.

- 3.16 See It Report It will not replace established referral processes and protocols with external lead bodies which will remain in place for immediate escalation or action. It will however, be both a conduit for a more effective gathering of community intelligence and the interpretation and interrogation of what that means.
- 3.17 It will undergo a review later this year following a reasonable period to enable fine tuning with staff feedback and agreement to share the information with other partners. Following this, it is intended to implement in South Northamptonshire Council in early in 2016.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The issue of safeguarding across Council services is an important matter which all councils should be considering. It is a subject which is of recent increased statutory significance and has many facets. Therefore it needs a structured approach to be effectively managed.
- 4.2 Some good progress has been made over the past year or so but it is recognised that there is more to do, hence the joint internal review with South Northamptonshire Council which is nearing finalisation to strengthen the Councils' position and to ensure good practice is applied.
- 4.3 There will be a role for elected Members in this subject which should involve the scrutiny process. This report is provided to Committee to provide some context to safeguarding from which the Committee can consider if it wishes, some or all of the aspects of safeguarding. One of the more obvious roles for the Overview and Scrutiny Committee is to consider annually a draft Section 11 self-assessment audit return before it is issued. This will be a very useful process should the Committee wish to scrutinise safeguarding activities of the Council as a whole. There may also be other more detailed aspects such as taxi licensing or internal reporting mechanisms which the Committee may wish to consider.
- 4.4 Given that there are so many aspects which could be considered by the Overview and Scrutiny Committee, it is recommended at this stage that the independent internal review report be considered at a future meeting as this will provide a more detailed and informed basis of key safeguarding issues for the Council. From this, the Committee can then decide where its efforts are best directed.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative option has been identified and rejected for the reasons as set out below.

Option 1: To consider specific aspects of safeguarding now for further scrutiny rather than wait for the independent internal review report findings.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no direct financial implications arising from the content and recommendations in this report

Comments checked by:

Paul Sutton, Head of Finance & Procurement, 030000 30106,
paul.sutton@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 The legal basis of Council safeguarding responsibilities have been outlined in section 3 of the report

Comments checked by:

Chris Mace, Solicitor, 01327 322125,
christopher.mace@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All wards

Links to Corporate Plan and Policy Framework

Cherwell: Safe Clean and Green - Work with partners to help ensure the District remains a low crime area, reducing fear of crime, tackling Anti-Social Behaviour and focussing on safeguarding our residents and businesses.

Lead Councillor

Councillor Tony Ilott
Lead Member for Public Protection

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Ian Davies, Director of Community and Environment
Contact Information	030000 30101, ian.davies@cherwellandsouthnorthants.gov.uk

Cherwell District Council

Overview and Scrutiny

13 October 2015

<p>To review and consider any disconnect between Planning Policy and the Allocation of Rural Affordable Housing</p>
--

Report of the Head of Regeneration and Housing

This report is public

Purpose of report

To review and consider any disconnect between planning policy and Cherwell's Allocations Scheme

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the contents of this report
- 1.2 To note further changes to Cherwell's Allocations Scheme adopted following the decision of Cherwell Executive on 1 June 2015.

2.0 Introduction

- 2.1 In June 2015, a report was presented to Executive to revise Cherwell's Allocations Scheme, and introduce a new 'reserve list'. This action was taken to increase the opportunities for Cherwell residents to be considered for affordable housing vacancies across the district within the legal framework which governs social housing lettings as set out in the Housing Act 1996 (Part VI).
- 2.2 At that meeting elected members agreed the report but recorded that they were keen to have a further discussion regarding allocations of affordable homes built on rural sites and rural exception sites. They wish to ensure they fully understand the relationship between Planning Policy to provide local homes and the Councils Allocation Scheme. They wish to fully understand how the Allocations Scheme prioritises vacancies to local people.

3.0 Report Details

- 3.1 Changes introduced in the Council's Allocation Scheme in 2012 reduced the numbers able to register on Cherwell's Housing Register. It restricted applications to applicants eligible, qualifying as assessed as gaining 'reasonable preference' as defined according to the requirements of the Housing Act 1996 (Part VI).

It also restricted the size of properties that households could qualify for in line with the new proposal to restrict housing cost payments, including the spare room subsidy. This action was taken following guidance from DCLG that we should do so and to align with Housing benefits payments that Households could claim to pay rent if unemployed.

Registered Providers were very keen for this approach to be adopted due to the significant changes they also face to their funding, including the withdrawal of 'direct payments' of housing benefit to meet rent payments to Registered providers.

- 3.2 The National Planning Policy Framework requires Affordable Housing in rural areas to be provided to meet the needs of eligible households whose needs are not met by the market. Eligibility is determined by local incomes and local house prices which are also key drivers to deciding the rules of Cherwell's Allocations Scheme.

- 3.3 Rural Housing can be developed in two ways.

- Private Development in rural areas providing a percentage of affordable homes
- Rural Exception Sites

- 3.4 Private housing development sites in rural locations are built by private companies. The majority of these units are usually for private sale. They are built following the purchase of land once planning permission has been gained. Developments can vary in size from a single unit (of any size) upwards. The Council does not control how much these homes are sold for, or who they are sold to.

The Council does require that 35% (30% in Bicester and Banbury) of properties on all new developments that consist of more than 10 units must be 'affordable' homes' through a Section 106 Agreement which requires 50% of initial lets to those with the defined local connection and 1 in 3 relets also prioritised to local people. This requirement is included at the time the planning permission is granted. The affordable properties are delivered in partnership with a Registered Provider (Housing Association) who will usually be the on-going landlord. Properties may be for Shared Ownership or Affordable Rented depending on the local needs and the financial viability of the development.

- 3.5 Rural Exception sites are a special type of development which will usually consist of 100% affordable housing units (usually a mix of Affordable Rented and Shared Ownership). Rural exception properties are built on sites that would not normally be given planning permission for housing. They gain approval to be built on the basis that there is a need for affordable housing within the parish that cannot be met elsewhere and has been proven by an up to date housing needs survey.

Priority for 100% of properties and subsequent relets, in perpetuity, are given to applicants on the Council's Housing Register who have a local connection to the immediate parish.

If there is no one with a housing need from the parish an agreed cascade of surrounding parishes will be considered. This cascade of surrounding parishes is agreed at the planning stage of any potential Rural Exception Site development and is contained in the Nominations agreement pertaining to the site.

If there is no one who meets the lettings criteria in the cascade then the property will be let to an applicant, on the Council's Housing Register, from the District.

All affordable rented homes must be allocated through the Council's approved allocations scheme under the rules of the Housing Act 1996 (Part VI).

- 3.6 The Allocation Scheme changes introduced a 'reserve list' giving anyone with a local connection to Cherwell without 'security of tenure' and meeting the rules of the scheme, an opportunity to be considered for vacancies of affordable housing. The Allocations Scheme also gives significant priority to parish or village connection when that preference is advertised within the advert to let a vacant property. Local connection is considered second only to an applicant's eligibility for size and type of property. These changes now ensure that local people will be able to apply and gain priority according to their local connections for local homes both new build and relets. Subject to their eligibility to join Cherwell's Housing Register, their specific local connection gives additional priority for affordable homes on rural and rural exception sites.
- 3.8 The introduction of the 'reserve list' ensures a strong connection between Planning Policy which requires the council to promote sustainable development in Rural Areas and the Council's Allocations Scheme which provides the rules which govern the allocation of affordable housing throughout the district under the Housing Act 1996 (Part VI)
- 3.9 A rural housing pack has been developed to ensure local parishes have the necessary documentation to understand the processes involved and pertaining to development of properties in rural locations and rural exception sites. The pack will ensure Parishes also understand the rules pertaining to the allocation of these properties through Cherwell's Allocation Scheme and can encourage local residents to apply.
- 3.10 We recognised the allocation of properties to local people in rural areas where new homes are being provided through exception sites remains a sensitive issue. We know it could be more helpful to speed up the process of carrying out rural housing surveys to justify local housing need and actually achieving housing delivery for occupation. Parish Councils particularly will be aware that by the time housing delivery is achieved the original housing needs information can be out of date.
- 3.11 The potential creation of a new Housing company in the district with a significant community based focus can provide better opportunities to speed up the delivery resulting from surveys. It is expected that as a result of a combination of introducing a new housing company and taking direct control of survey activity we

should be able to reduce the time between considering local housing need and providing new homes. A shorter time frame will make the allocations process more relevant as those responding to the survey will be more likely to have their needs met through the development.

Conclusion and Reasons for Recommendations

- 4.1 We propose to test this approach through the current Parish Council liaison arrangements. We can begin to identify with an appropriate Parish Council, a pilot scheme where this can be tested. This will enable us to review the outcomes of a speedier approach of delivery following the housing needs survey results. We request Members to support this approach and for officer contact to be made with Parish Councils shortly.
- 4.2 The revisions to Cherwell's Allocations Scheme have ensured there is no disconnect between Planning Policy requirements to promote sustainable development for local people in rural areas and the rules governing housing allocations as set out in the Housing Act 1996 (Part VI).

5.0 Consultation

- 5.1 No specific consultation is required for this report.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Alternative delivery models using Registered Provider partners have been considered but do not offer any improvement in delivery time to increase the number of local people qualifying for rural exception site housing.

For this reason the alternative models reviewed have been rejected in favour of the approach mentioned above.

7.0 Implications

Financial and Resource Implications

- 7.1 None

Comments checked by:

Paul Sutton, Head of Finance and Procurement, 0300 0030 006,
paul.sutton@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 The changes made to Cherwell's Allocations scheme were intended to increase the opportunities for Cherwell residents to compete for social housing vacancies across the District in line with the legal frame work which governs social housing lettings as set out in the Housing Act 1996 (Part VI).

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 0030107
 kevin.lane@cherwellandsouthnorthants.gov.uk

Risk

- 7.3 The changes to Cherwell's Allocations Scheme strengthened the Councils ability to ensure that all vacancies of social and affordable rented housing will be allocated to those in housing need within the District. The changes also increase the opportunity for those living within rural parishes where there are new affordable housing developments and rural exception sites to join the Housing Register.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 0030107
 kevin.lane@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

District of Opportunity
 Thriving Communities

Lead Councillor

Cllr John Donaldson, Lead Member for Housing

Document Information

Appendix No	Title
1	Approved Allocations Scheme
2	National Planning Policy Framework
Background Papers	
None	
Report Author	Marianne North
Contact Information	01295 227946 Marianne.north@cherwell-dc.gov.uk

This page is intentionally left blank



Approved Allocation Scheme

June 2015

Final Version

Contents Page

Introduction and overview	4
Introduction	4
Aims and objectives	5
The legal context	5
Advice and assistance	6
Choice and constraints	7
Policy on expressing choice of rehousing area	7
Priority homeless applicants	8
Eligibility criteria, qualification and applications	8
Who can join the Housing Register?	8
Young persons under 18 years	8
Councillors, board members, employees and their close relatives	8
Who can and cannot be included on a housing application	9
Who cannot be accepted onto the Housing Register	9
Refusal of offers from the Housing Register	10
No local / district connection to Cherwell	10
Homeowners/ sufficient financial resources	11
How do I make an application?	11
The banding scheme	12
The bands that make up the scheme	12
The structure of the banding scheme	12
Social and Welfare	14
Medical assessment and adapted homes	14
Size of properties different households will be eligible for	14
Prohibition or demolition orders / Unsatisfactory housing	15
Overcrowding	15
Extra Room for non resident carers	16
Children / access to children	16
Fostering / Move-on	16
Move on from supported accommodation	17
Allocations	17
Applying for social housing	17
What are allocations under this scheme	17
Exempt Allocations	17
Choice Based Lettings scheme	18
Statement of choice	18
Overview	18
What is restrictive labelling	21
Local Lettings Plans	21
Refusal of offers	22
How we allocate to Statutory Homeless households	22

Time limited priorities bidding	23
Auto bidding	24
Rural lettings schemes	24
Rural exception sites	24
Review procedure	25
Homeless Applicants – review of suitability / discharge of duty	26
What discretion is built into the scheme	26
Equality and diversity	26
Administrative process	27
How serious offenders are dealt with	27
How sheltered and extra care housing is dealt with	27
Shared ownership / low cost home ownership	27
Build!@project	27
Mutual exchange	27
Appendices	
Appendix 1 - List of partner Registered Providers and how to contact them	29
Appendix 2 – Councillors, board member, employees and their close relatives	30
Appendix 3 – Sufficient financial resources	31
Appendix 4 – Description of bands	32
Appendix 5 – Health and disability matrix	38
Appendix 6 – Social, welfare and hardship matrix	40
Appendix 7 – How medical assessment and adapted homes are dealt with	41
Appendix 8 – What discretion is built into the scheme?	42
Appendix 9 – Administrative processes	43
Appendix 10 – How serious offenders are dealt with	45
Appendix 11 – How sheltered and extra care housing are dealt with	46
Appendix 12 – What is the Build project?	49
Appendix 13 – Complaints procedure	50
Appendix 14 – Definition of Terms	51

Introduction and Overview

Introduction

Cherwell District Council transferred its housing stock, which is now owned by Sanctuary Housing Group, through a Large Scale Voluntary Transfer (LSVT). Over 95% of all social housing in Cherwell is owned by partner Registered Providers (RPs). Therefore it is important to note that with the exception of a small number of units this Allocation Scheme relates primarily to housing owned by partner RPs. Please see Appendix 1 for a list of Cherwell's partner Registered Providers and how to contact them.

There is no statutory requirement to maintain a Housing Register. However the Council and its partners in the District believe there are significant benefits for the people of the District in maintaining a Housing Register that provides a single point of entry to all applicants. Subject to fulfilling the eligibility requirements anyone aged 16 or over is able to apply to Cherwell District Council for accommodation as long as they are eligible and qualify.

In Cherwell the demand for social housing is greater than the number of homes available. This Allocation Scheme describes how the Council prioritises housing applicants to ensure that those in greatest housing need, as described by the legal definition of Reasonable Preference in the Housing Act 1996, are given a head start to access available social housing, compared with those who have no housing need. Partner Registered Providers will also have allocation schemes and will assess applicants according to their own stated priorities.

This Allocation Scheme applies to:

- new applicants
- current applicants
- existing tenants of a Registered Provider in housing need who want to transfer either with their current landlord or to another Registered Provider

Cherwell District Council's Allocation Scheme sets out in detail who is and who is not eligible or qualified under the scheme and how this assessment is made. It also sets out how applicants can apply for and access housing and what service standards an applicant can expect.

The vast majority of the housing that we allocate under this Allocation Scheme is through a Choice Based Lettings system (www.cherwell-homechoice.org.uk) which allows applicants to view available properties and express interest by making bids.

Aims and objectives

The key objectives of this Allocation Scheme are to:

- provide housing applicants in Cherwell with a fair and transparent system by which they are prioritised for social housing
- help applicants most in housing need
- promote the development of sustainable mixed communities and neighbourhoods of choice
- encourage residents to access employment, education and training
- make efficient use of our resources and those of our partner Registered Providers

This Scheme is part of Cherwell's Housing Strategy 2012-17, which has six strategic priorities:

- Increase the supply and access to housing
- Develop financially inclusive, sustainable communities
- House our most vulnerable residents
- Ensure homes are safe, warm and well managed
- Prevent homelessness
- Maximise resources and be an investment ready district

We have designed the Allocation Scheme to meet all legal requirements and to support and contribute towards the objectives of Cherwell's Housing Strategy by promoting financially inclusive and sustainable Communities. The Housing Strategy can be found on the Council's website www.cherwell.gov.uk.

By 'affordable housing' we mean social rented, affordable rented and intermediate housing, provided to specified eligible households whose needs are not met in the market. It should meet the needs of eligible households, including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices. The Council's Housing Strategy and the ways in which we advise and assist home seekers on a whole range of housing options, including access to the private rented sector and low cost homeownership opportunities can be found on Cherwell District Council's website www.cherwell.gov.uk.

The legal context

Cherwell District Council's Allocation Scheme sits within a tight and complex legal framework of Part VI of the Housing Act 1996 (as amended). This section describes this legal framework.

The 1996 Housing Act (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with an Allocation Scheme. A summary of the Allocation Scheme must be published and made available free of charge to any person who asks for a copy. A summary of the Scheme and general principles is available through Cherwell District Council offices, partner Registered Providers' offices and on the Council's website. This document is the full version of the Scheme and is available for inspection at Cherwell District Council office Bodicote House.

The Housing Act 1996 (as amended) requires local authorities to give Reasonable Preference in their Allocation Scheme to people with high levels of assessed housing need. This includes homeless people, those who need to move on welfare or medical grounds, people living in unsatisfactory housing and those who would face hardship unless they moved to a particular locality within the local authority's area.

The Act also requires local authorities to state within the Scheme what its position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them.

This Allocation Scheme complies with the requirements of the Housing Act 1996 (as amended) and takes into account the code of guidance issued by Central Government's Communities and Local Government Department:

- *Allocation of Accommodation: guidance for local housing authorities in England* (June 2012)

The scheme is drafted and framed to ensure that it is compatible with the Council's equality duties including the duty to eliminate unlawful discrimination and to promote 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.

This Scheme has considered:

- the Council's statutory obligations and discretion as to who is eligible for housing allocation
- the Council's statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law i.e. those who must be given a 'head start' under the Council's Allocation Scheme
- the Council's statutory discretion to grant 'additional preference' and/or to determine priority between applicants with Reasonable Preference
- the general and specific statutory discretions the Council can exercise when allocating housing in support of its Housing Strategy
- the local flexibility offered through the Localism Act (2011)

Advice and assistance

The Council acknowledges that this Allocation Scheme requires the active participation of housing applicants and to reflect this, the Council aims to provide advice and assistance to ensure that no person is disadvantaged by the way the Scheme operates.

General information about the scheme will be made available as follows:

- information about the procedures for applying to the scheme and for applying for advertised vacancies
- information about how applicants are prioritised under this scheme
- how successful applicants will be selected
- rules on how properties will be advertised including bidding cycles and restrictive labelling
- information about review procedures
- information about the Registered Providers that have vacancies advertised through Choice Based Lettings as nominations

Applicants will also be provided with information regarding their own application which will include:

- what band they are awarded under this scheme
- what size properties they are entitled to bid for
- what information they need to supply in regard to verification and references and when this information will need to be provided

- if they are disqualified what they need to do to rectify this

Properties are advertised through the Choice Based Lettings scheme. In partnership with Registered Partners we endeavour for all advertisements to be as comprehensive as possible. The Choice Based Lettings Scheme promotes informed choices and expects to guide applicants to bid only for properties they can realistically expect to secure. Advertisements will include as many of the following as possible:

- location
- property type, size and floor level
- nature of tenancy on offer
- what type of heating it has and whether it has a heating charge payable that is not covered by housing benefit
- whether such things as a garden or parking are available with the property
- the amount of rent and any other charges that are payable
- photos of the property and links to guides about the local area

Applicants who have any difficulty reading or understanding this Allocation Scheme will be offered the following services:

- an interpretation service if their first language is not English
- signing if speech or hearing is impaired
- provision of documents in large print if an applicant is visually impaired
- an interview to explain the content of this document and information about where independent advice can be obtained about the Council's scheme

As there are likely to be many more applicants than properties available, the Council will also provide information about other housing options. This will include:

- advice on Registered Providers
- advice and help on renting in the private sector, if there are few social homes available in the areas where they wish to live
- advice on available low cost home ownership options
- advice on how welfare benefits, employment, education and training may improve their housing options
- Enhanced Housing Options Service – self-help tool via the website www.cherwell.gov.uk

Choice and constraints

Policy on Expressing Choice of Rehousing Area

The amount of choice that the Council is able to offer may be limited by the acute housing pressures it faces and responsibilities it has to some groups in housing need such as those found to be statutorily homeless. The Council believes that any applicant considered to be eligible under this Scheme should be able to express a preference over the type of property and the area in which they would like to live. However, applicants should be aware that the Council's ability to satisfy their expressed preference may be severely limited.

The majority of applicants will be able to bid using Choice Based Lettings (CBL) to apply for properties they have been assessed as eligible for across the district. There are some circumstances for which this might not always apply. For example auto bidding will be applied to homeless applicants owed a statutory duty by this authority from the date duty is accepted (see page 24) and or where additional priority awards are time-limited. These

exceptions are dealt with in more detail in the sections that deal with homelessness applications (see page 22) and time-limited priorities (see page 23)

The Council requests that the applicant states those areas where they believe they cannot live due to fear of violence, harassment or domestic abuse. The Council must be satisfied such factors exist and that it is necessary to allocate accordingly. This is to assist the Council in making more informed decisions. It will also help support workers who may be assisting an applicant to bid to know where not to express an interest in properties.

Priority Homeless Applicants

All statutory homeless households accepted as defined in Part VII of the Housing Act 1996 and owed a statutory duty by Cherwell District Council under section 190 (2), 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68 (2) of the Housing Act 1985) will be placed on automatic bidding at the point duty is accepted.

Eligibility criteria, qualification and applications

Who can join the Housing Register?

Anyone can apply to join the Housing Register.

To be able to join the Housing Register the council will consider:

- whether someone is eligible to apply for housing?
- do they qualify under the scheme rules?

Young person under 18 years

Applicants aged 16 or 17 years old are assessed for supported accommodation where one or more of the following apply:

- accepted as homeless and in priority need under the Housing Act 1996, as amended by the Homelessness Act 2002
- over the age of 16 where a referral for assistance has been made by Social Services authorities under Section 27 of the Children Act 1989
- a young person who is deemed a relevant or eligible child under the Children (Leaving Care) Act 2000 as amended.

In each case, we will undertake a joint assessment with Social Services of the applicant's housing, care and support needs to ensure that adequate support is available.

Councillors, board members, employees and their close relatives

This Scheme is designed to ensure that Cherwell District Council (and any relevant organisation) is transparent and equitable when letting homes to staff, Councillors or board members and their relatives.

The Part VI Allocation Scheme is open to any eligible applicant and there are stringent checks in place that all applicants must follow.

Staff, board members, Council members and their relatives are treated as any other applicant and must be seen to not be gaining any advantage or any preferential treatment in the course of their application, nor shall they be disadvantaged. See Appendix 2

Who can and cannot be included on a housing application

The persons who can be included on a housing application must be members of the applicant's immediate family who normally live with the applicant. Any other person will only be included on an application if the Council is satisfied that it is reasonable for that person to live with the applicant. This will exclude lodgers or anyone subletting from the applicant. Anyone over 16 years included on an application as part of a household will also be included in the full assessment of the application including income, capital and assets.

For the purposes of this policy a child is defined as someone who is either under the age of 16 or who is still dependant on the applicant e.g. due to continuing education.

Who cannot be accepted onto the Housing Register

The Council can only allocate social housing accommodation to people who are eligible and qualify under this Allocation Scheme. The instances where we will refuse an application to join the Housing Register are:

Those not eligible

The following persons are not eligible:

- People who are "*subject to immigration control*" (unless they fall within a class prescribed by regulations made by the Secretary of State (section 160ZA(2))
- People who are not subject to immigration control, but are nevertheless prescribed by regulation as being "*persons from abroad*" (this may include British citizens who are not habitually resident in the UK)
- Any other person as prescribed by the Secretary of State

Those who are disqualified

Unacceptable behaviour

- Applicants (or a member of their household) who have been guilty of "unacceptable behaviour" and at the time of their application for housing they are still considered unsuitable to be a tenant by reason of that behaviour

Unacceptable behaviour is defined as behaviour which would, if an applicant or member of their household was a secure tenant, entitle a landlord to possession under any of the Grounds 1 to 7, Schedule 2 of the Housing Act 1985. Unacceptable behaviour can include:

- owing rent arrears of 8 weeks or more and/or failing to comply with a current or past tenancy agreement with a Council, Registered Provider or private landlord to such an extent that a Court would have granted a possession order had they been a secure tenant
- conviction for using premises for illegal or immoral purpose
- causing nuisance and annoyance to neighbours or visitors

- convicted of criminal offences in or near the home and still posing a threat to neighbours or the community
- being violent towards a partner or members of the family or anyone in neighbourhood
- obtaining a tenancy by deception, for example by giving untrue information
- paying money to illegally obtain a tenancy

In determining whether an applicant is disqualified due to unacceptable behaviour, the Council will consider:

- has the applicant or a member of the applicant's household been guilty of unacceptable behaviour?
- was the unacceptable behaviour serious enough to have entitled the landlord to have obtained an order for possession, had they been a secure tenant.
- at the time of the application, is the applicant still unsuitable to be a tenant by reason of that behaviour, or the behaviour of a member of his household?

Unacceptable behaviour will result in disqualification from the register determined by the council. An applicant can re-apply to the Housing Register at any time for their situation to be reviewed. To be admitted to the register they will need to provide proof any conviction is spent and evidence of a change of circumstances.

Applicants disqualified due to rent arrears can be reviewed at the request of the applicant once they can provide proof any arrears are reduced to less than 8 weeks.

Applicants can request a review of any disqualification decision made. See page 25 for review procedure.

All residents are able to access advice and assistance from the Housing Needs Team on other housing options, such as renting in the private sector or shared ownership.

Refusal of offers from the Housing Register

Applications will be disqualified for 6 months in cases where the following suitable offers have been refused:

- all Statutorily Homeless households who have refused 1 (one) suitable offer of accommodation and to whom duty has been discharged under Part VII of the Housing Act 1996
- Time limited priority applicants within Bands 1 and 2 who have refused one suitable offer of accommodation
- applicants who are not restricted in their bidding but have refused 3 consecutive suitable offers of accommodation

No local / district connection to Cherwell

In order to help meet increasing local housing needs the Council has chosen to restrict access to the Housing Register to people with a local/district connection to Cherwell and/or who are accepted as Statutorily Homeless by Cherwell District Council.

Applicants will need to meet at least one of the following criteria to be defined as having a local / district connection:

- have lived in the district for a period of at least 6 out of the last 12 months continuously prior to acceptance onto the Housing Register
- previously lived in the district for 3 out of the past 5 years

- contract of employment to work within the district
- immediate family members, who have lived in the district for at least 5 years, where there has been frequent contact, commitment and dependency immediately prior to the date of application
- social tenants needing to move for work
- have a special reason for needing to live in the area

The only exceptions to this are members of the Armed Forces and Reserve Forces as set out in the *Allocation of Accommodation: guidance for local housing authorities in England* (June 2012)

Close relatives are defined as parents, children, siblings, grandparents or grandchildren including step relatives, where there is evidence of frequent contact, commitment or dependency.

Applicants who do not have a local / district connection will not qualify for access to the Housing Register.

A district connection is **not** established where the applicant is:

- in prison within the district
- resident in a bail hostel or other such accommodation
- detained in the district under the Mental Health Act
- receiving specialist hospital treatment
- in occupation of a mobile home, caravan or motor caravan which is not placed on a residential site
- in occupation of a holiday letting this includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday
- those placed in temporary or private sector accommodation by other Housing Authorities

This list is not exhaustive

Homeowners/ sufficient financial resources

In recognition of the level of housing need in the district and the shortage of available properties, applicants who already own their own home (either freehold, leasehold, under mortgage or shared ownership) will not qualify for access to the Housing Register.

Applicants with a **household** income, capital or assets of £60,000 or over will be disqualified from joining the Housing Register. Such people will be offered advice on alternative housing options.

Older persons aged 55 plus, who wish to be considered for sheltered and extra care housing **only**, may qualify for the housing register.

Any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service will be disregarded in such an affordability calculation.

How do I make an application?

Once accepted as eligible and qualified to join the Housing Register, your housing needs are assessed and you are placed in one of 3 bands. The bands are numbered 1-3 or reserve list. Applicants in Band 1 are assessed as having the most urgent need.

To apply to join the Housing Register applicants must complete a housing application form. Applicants can request an application form using any of the following methods:

- by telephone
- personal visit to the office
- by post
- by email
- by downloading a form from our website

Assisted completion of an application form is available for the housebound and those who request help.

Providing all relevant information is supplied when the application form is received, we aim to notify applicants of their banding within 20 working days from the date received in the office.

If we receive an incomplete application form or supporting information is not provided, the application will be suspended. We will contact you to request the information. If the information is not received within 28 days the application will be closed.

We will send out our information booklet 'Applying for a Home in Cherwell' along with each new application form. This is also available from our website www.cherwell.gov.uk

If you need any assistance please call the Council's Customer Service Team.

Each application will be assessed on its own merits and a decision regarding eligibility / disqualification will be made accordingly. Anyone subsequently made ineligible or disqualified from the Scheme will be provided with a full written explanation for the decision and will have a right of review of the decision. See page 25 which deals with the right to reviews of decisions.

The Banding Scheme

Cherwell District Council is required by law to determine the relative priority that housing applicants are awarded. This is particularly important when, as is the case in this District, the demand for social housing is greater than the availability of homes.

The law, as it applies to local housing authorities, requires that Reasonable Preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). The statutory Reasonable Preference categories cover:

- All statutory homeless households as defined in Part VII of the Housing Act 1996
- People who are owed a duty by Cherwell District Council under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985)
- People occupying unsanitary, statutory overcrowded or otherwise unsatisfactory housing
- People who need to move on medical or welfare grounds (including ground relating to a disability)
- People who need to move to a particular locality within the district to avoid hardship to themselves or others

The Bands that make up the Scheme

The Structure of the Banding Scheme

Cherwell District Council operates a needs based banding scheme as described below. The bands are arranged to reflect housing need with the highest band indicating the greatest need for housing. The scheme consists of three bands and a reserve list as summarised below:

Band 1 – **Urgent** need to move due to Reasonable Preference

Band 2 – **Significant** need to move due to Reasonable Preference

Band 3 – **Moderate** need to move due to Reasonable Preference

Reserve List – Qualified without recognised housing need within this Policy.

Please note that more detailed descriptions of the bands can be found in Appendix 4. A table showing the size of property households can apply for can be found on page 14.

Band 1 – Urgent need to move due to Reasonable Preference

Please note that applicants within this Band will have their priority time limited for 3 months subject to review.

- Hospital discharge
- Health or disability*
- Social, Welfare or Hardship**
- Abuse, Violence or Harassment
- Serious overcrowding
- Under-occupation of social tenancies in Cherwell District
- Injured Ex-Armed Forces
- Private Sector properties subject to Prohibition or Demolition Orders making property unsuitable for occupation
- Safeguarding children / vulnerable adults
- Elderly social housing tenants in Cherwell District who are willing to move to sheltered accommodation / extra care
- Release of adapted property in Cherwell District
- Approved Move on from Supported Accommodation
- Approved Move on from care

Band 2 – Significant need to move due to Reasonable Preference

Please note that applicants within this Band will have their priority time limited for 3 months subject to review.

- Statutory homeless households
- Health & disability*
- Social, Welfare or Hardship**
- Overcrowded according to bedroom standard
- Armed Forces with discharge date
- People at risk of homelessness and defined in priority need under the Housing Act 1996 (as amended)
- Unsatisfactory housing
- Social tenant moving to the district for work

Band 3 – Moderate Need to move due to Reasonable Preference

- Tied accommodation
- Agricultural workers
- Non priority homeless / intentionally homeless
- Health & disability*
- Social, Welfare or Hardship**

Reserve List – Qualified without recognised housing need

Qualified without any recognised housing need within this Allocations Policy

Health & disability* - see matrix for Health and Disability – Appendix 5

Social, Welfare or Hardship** - see matrix for Social, Welfare or Hardship – Appendix 6

Social and Welfare

Applicants with a need to move on social and welfare grounds will be required to provide supporting information and be assessed in line with the social and welfare matrix. See Appendix 6

Medical assessment and adapted homes

Applicants who have a medical need will be asked to complete a Medical Form, which will be assessed by the Council. See Appendix 7

Size of properties different households qualify to apply for

The *Allocation of Accommodation: guidance for local housing authorities in England* (June 2012) states that a bedroom shall be allocated to the following family members:

Adult couple
Any other single adult aged 21 or more
Pair of adolescents aged 10-20 of the same sex
Pair of children aged under 10 regardless of sex

Definition of Household types

Single person under 55	One person household with no resident children A woman who is less than 25 weeks pregnant
Couple	Married, Cohabiting, Civil Partnership & same sex couples without resident children or with a woman who is less than 25 weeks pregnant
Family	Single parent or couple (as defined above) with minimum of one dependent child, who lives with parent(s) as the main or principle home. A woman who is 25 weeks or more pregnant

Insecure Households	Separate households sharing accommodation with no formal rights to occupy
Older Persons	One person household and couples over 55 years
Other	Any other household group including friends, siblings and families with non-dependent children

The table below gives an indication of the bedroom entitlement for adults and children:

Household size	Number of bedrooms allowed
Single person under 35	Studio or 1 bedroom flat (if meet eligibility criteria)
Single person over 35	Studio or 1 bedroom flat
Adult Couple	1 bedroom
2 applicants not couple	2 bedrooms
Household with 1 child	2 bedrooms
Household with 2 children	2/3 bedrooms
Household with 3 children	3 bedrooms
Household with 4 children	3 bedrooms
Household with 5 children	3/4 bedrooms

See Table on page 14 to determine bedroom entitlement

Please note: people in receipt of benefits to pay their rent will only receive payment for property up to a maximum of 4 bedrooms.

Pregnant applicants - subject to proof of pregnancy at 25 weeks an application will be assessed to determine their minimum/maximum bedroom need. We will treat the expected child as the same sex as a sibling until born

Prohibition or demolition order

Band 1 is awarded if a statutory notice such as a prohibition or demolition order has been served which prohibits the property to remain occupied pending resolution.

Unsatisfactory housing

Band 2 is awarded where applicants existing housing is assessed against the Housing Health and Safety Rating System (HHSRS). In the most urgent cases an inspection is needed, the assessment is carried out by an Environmental Health Officer or other qualified officer.

A Category 1 Hazard is a defect where the consequences could include serious harm to applicants. For example, accommodation lacking; bathroom facilities, cooking facilities, electricity or a water supply.

Band 2 will not be awarded, if it is possible for repairs or other remedial action to be carried out within a reasonable timescale. Where a landlord has been served with an improvement notice but remedial work has not been carried out, we may decide to award priority at our discretion.

Overcrowding

Those overcrowded by two or more bedrooms will be granted Reasonable Preference and will be placed in Band 1. Those overcrowded by one bedroom will be granted Reasonable Preference and will be placed in Band 2.

Extra room allowed for non-resident carers

Applicants with a disability or a long term health condition who have a non-resident carer may be entitled to an extra bedroom

To qualify for an extra bedroom they will need to show:

- they reasonably require overnight care and that this care is provided
- one or more persons regularly stay overnight to provide care
- there is a need for an extra bedroom that is used by a carer or carers for overnight stays as part of caring for the claimant or partner

A 'person who needs overnight care' is defined as someone who is:

- receiving Disability Living Allowance middle or higher rate care or Attendance Allowance

If they don't receive Disability Living Allowance or Attendance Allowance they must provide the Council with sufficient evidence to show that overnight care is required eg letter of confirmation from a medical practitioner

Cherwell District Council will measure overcrowding levels as directed by *Allocation of Accommodation: guidance for local housing authorities in England* (June 2012).

'Reasonable Preference' for property types is calculated according to housing benefit and bedroom tax rules

Children / access to children

For the purposes of this policy a child is defined as someone who is either under the age of 16 or who is still dependant on the applicant e.g. due to continuing education.

Where parents who do not live together, have shared care of their children the children will be treated as living with the parent who provides their main home and upon whom they are deemed to be dependant.

Fostering

Families undertaking long term fostering may be able to include foster children as part of their application to ensure that they are eligible for the appropriate sized property. Long term fostering is fostering for a period in excess of three years (not necessarily involving the same child or children). It is essential that written confirmation of the fostering arrangement is obtained from Social Services. Consideration will be given to this in assessing the application. Short term fostering is discounted.

NB: Although applicants can choose to apply for property larger than their needs so they can foster, the Welfare Reform Act states that foster children / carers can not be taken into account for payment for extra bedrooms when considering size of property applicants are eligible for, unless the foster children or carer are actually in residence at the property.

Move on from supported accommodation

Applicants will need to apply to join Cherwell's Housing Register at the time that they are ready to leave their current accommodation. Their application must be supported by their social worker or support worker who will confirm:

- they are ready to move
- they possess the knowledge and skills to maintain a tenancy successfully
- any support arrangements that will remain in place following departure from supported accommodation

All applicants will need to meet Cherwell local connection requirements. If supporting information is not supplied the application may be disqualified.

Allocations

Applying for social housing

Once applicants are accepted onto the Housing Register they can start applying for properties. The Council advertises all properties available through its nomination agreements with partner Registered Providers through its Choice Based Letting Scheme. The eligibility of bids received will be checked against the labelling used in the advertisement. Any ineligible bids will be discarded. Where properties are advertised the allocation of a property will be based on the priority of bids received, with Band 1 applicants having the highest priority.

What are 'Allocations' under this Scheme?

An 'allocation' of accommodation under this Scheme is the nomination of a person to be an Assured or an Assured Shorthold tenant of housing accommodation held by a Registered Provider (via the Council's Nomination Rights Agreement with the Registered Provider). Often the nomination will be that of a 'Starter Tenant' of the Registered Provider whereby the Registered Provider will grant an Assured Shorthold Tenancy for a set 'probationary' period (usually 12 months) and provided the tenant successfully completes the 'probationary' period the Registered Provider will grant an Assured Tenancy.

Exempt Allocations – Accommodation provided for lettings that is not covered by this Scheme

The following are not 'allocations' under this Scheme:

- an introductory / starter tenancy becoming a secure / assured tenancy
- provision of non secure temporary accommodation in discharge of any homelessness duty or power

Joint tenancies

This Allocation Scheme supports adult applicants wishing to sign as joint tenants should they choose to do so as long as both parties are eligible and qualify.

Choice Based Lettings Scheme

Statement on choice

Cherwell District Council is fully committed to the principle of enabling applicants to play a more active role in choosing accommodation in the social housing sector. We will seek to maximise customer choice whilst ensuring that those in the greatest housing need remain a priority for re-housing.

The Allocation Scheme:

- allows a broad range of applicants to be considered for accommodation
- gives applicants an unlimited choice of areas within the District
- allows applicants to consider a broad range of properties
- applies auto bidding and time limited priority to certain applications See page 23 and page 24
-

In summary an applicant accepted onto the Housing Register can apply for any property they are eligible to apply for, in any area where properties are advertised.

Overview

- empty properties are advertised weekly (6 working days)
- applicants apply for properties that meet their housing need
- applicants apply for up to three properties in any advertising cycle
- when the advertising cycle is complete shortlists are created from those who have applied and sorted into priority order as defined in the Allocation Scheme
- the applicant (normally the one at the top of the list) is selected and nominated to the landlord for a provisional offer to be made
- the landlord accepts or rejects the nomination
- the landlord offers the property to the successful applicant
- the applicant accepts or rejects the offer
- the results of shortlisting are published on our website and in the property newsletter

If the landlord rejects the nomination or the applicant rejects the offer, the property will either:

- be offered to the next suitable applicant on the shortlist or,
- be advertised in the next lettings cycle

How can I bid?

- using the website
- by phone

Automatic applications for properties

We will provide a service to apply (bid) automatically for properties at the applicant's request. This is particularly useful for elderly or vulnerable applicants who have no-one to act on their behalf.

Auto bidding will be applied to homeless applicants owed a statutory duty by this Authority from the date duty is accepted.

Priority order

Once the advertising period has closed the computer will automatically create a shortlist of applicants for each property into priority order. The successful applicant for each property will normally be the one who is eligible for the size and type of property being offered and who is in the highest band. Where there is more than one applicant in that band, priority will be by registration date.

However, we reserve the right not to offer the property to the person highest on the shortlist, if the property offers a better match with the needs of another high priority applicant. Shortlists will be created with the following priority order:

- **Applicant type** - but only if an applicant type preference is specified in the advert (See page 21 for applicant types)
- **Parish or village connection** – but only if a parish or village connection preference is specified in the advert
- **Level Access Accommodation** – but only if mobility preference is specified in the advert
- **Adapted Accommodation** – will always be used where a property is specifically adapted for the disabled with preference being given to those applicants who require the adaptations within the property.
- **Keyworker** – but only if keyworker preference is specified in the advert.
- **Social Tenant moving for work** – but only if Social Tenant moving for work preference is specified in the advert
- **Band** – will always be used. The band order is: 1, 2,3 and Reserve list
- **District Connection** – will always be used
- **Size of household** -but only if a preference to larger families is specified in the advert
- **Date in Band** - to compare applicants within the same band
- **Employment, education and training** – but only as specified in the advert or local lettings plan

Keyworkers for the purpose of this Policy are defined as:

Being employed full or part time on a permanent contract (i.e. not agency staff) within the district as one of the following:

- ambulance staff who is also a paramedic
- a fully qualified nurse working in one of the District's NHS hospitals
- a fire fighter or police officer stationed in the District
- a teacher working in one of the district's state maintained schools
- Probation or Prison officers stationed within the district

Key workers may apply before moving into the district subject to providing proof of employment offered and accepted with the start date.

Date order

Two dates are used to sort out the order of priority when deciding who to nominate for a property. These are:

- the Registration date – the date the application is received by the Council

- the Effective date - the date the application is assessed for Band 1, 2 or 3. (This will be the same as your Registration date if your application goes straight into Bands 1, 2 or 3)

This will ensure that those with the greatest need will have it met in the order in which it arose.

Where two applicants with the same effective date in the same band apply for the same property the applicant with the earliest registration date will be given priority for an offer of accommodation

If applicants move down from Band 1 to band 2 or band 3 they will retain their effective date from band 1

Applicants placed in the Reserve List will be ordered by their date of registration which will also be their effective date.

If applicants move down to Reserve List they will return to their registration date as their new effective date.

If applicants move up from Reserve List they will have a new effective date in the band they move into.

Direct match

It may be necessary to nominate a particular applicant to a particular property. For example a purpose built property designed for a disabled applicant. In such circumstances the property will be placed on the website and in property newsletters with an explanation about direct matches.

Accepted homeless households will be placed on auto bidding at the point homeless duty is accepted

Applicants given time limited priority in Bands 1 or 2 may also be placed on auto bidding and given a direct match. See page 23 on time limited priority bidding

Nominations

Subject to the rules set out in the Allocation Scheme we would normally nominate the applicant at the top of the shortlist, providing they meet the criteria specified in the advert and still qualify to be on Cherwell's Housing Register. If an applicant is successful for more than one property they will be contacted and asked to express a preference for the property they would like to be offered. Successful applicant's details will be forwarded to the Registered Provider. The Registered Provider makes the final decision on whether to accept the applicant.

Quota arrangements

Cherwell District Council groups applications in 3 categories:

- General Needs
- Transfers
- Statutorily Homeless

General register applicant

Applicants who have been accepted onto our Housing Register as being eligible and qualified to apply for social housing.

Transfer applicant

A transfer applicant is a secure tenant or an assured tenant of one of our partner Registered Providers who lives in our district and whose application has been accepted onto our Housing Register as being in housing need.

Statutorily Homeless applicant

Applicants found to be homeless, in a priority need group and where a duty to offer housing has been accepted under sections 193 or 195 of Part 7 of the Housing Act 1996.

Sometimes it will be necessary to give preference to particular types of applicant to meet local targets. Examples of quotas include:

- transfer applicants
- homeless applicants
- applicants in particular bands
- applicants in employment, education or training

As a guide we use the following quotas to ensure we nominate properties fairly between different types of applicants.

General needs	40% of which 1% to Keyworkers and 1% to social tenants needing to move for work
Transfers	30%
Statutorily Homeless	30%

Cherwell District Council is keen to encourage applicants to seek employment, education or training. We will adopt a quota of 30% of total vacancies received each year to be allocated to applicants in employment, education or training.

Property adverts will clearly identify when priority is being given in this way.

Quota arrangements will be published annually on the website

What is restrictive labelling and how is it applied under this scheme?

This means that greater preference will be given to those who fulfil the criteria of the specified restrictive label

Cherwell District Council reserves the right to apply restrictive labelling to adverts in order to identify particular types of applicants, giving them preference to meet local targets. Examples are:

- transfer applicants
- homeless applicants
- nature of tenure being offered
- Local Lettings Plan is in place
- disabled adapted properties
- employment, education and training
- sheltered
- extra care

Local Lettings Plans

The Council may from time to time agree a local lettings plan for specific areas or developments to reflect local circumstances. Any local letting plan will have regard to housing management considerations such as the social mix of tenants, density, age range and community stability.

Where a property is advertised in accordance with a Local Lettings Plan (LLP), the letting will be made to the applicant with the highest band and who meets the eligibility criteria of the LLP and also meets the entitlement rules around size eligibility.

Publication of results

The results of shortlisting are published on the website and in the latest edition of the property newsletter. The information provided can be used to help applicants decide which properties to apply for, by giving them a better idea how popular a particular property or area is and how long they would normally have to wait.

Applicants who have expressed an interest in the particular vacancy but are unsuccessful may request more personalised feedback on why they were unsuccessful.

The results show information about the shortlisting but no personal details. It cannot be assumed the person at the top of any list was the successful applicant.

Refusal of offers

In circumstances where an applicant has successfully bid but refused 3 suitable offers of accommodation their application will be closed and they will be disqualified from reapplying to join the register for 6 months. The exception to this rule is for statutory homeless households and refusal of their offer will result in the discharge of the Council's homelessness duty for which they will have a right of review under sections 202 and 204 of the Housing Act 1996 (as amended).

How we allocate to Statutory Homeless households under the scheme

This applies to Households for which the Council has accepted a statutory homeless duty under sections 193(2) or 195(2) of Part VII Housing Act 1996 (as amended). The Local Authority has a legal duty to secure accommodation for households who are homeless or at risk of becoming homeless (unless certain exceptions apply). The District Council and its partners will do all they can to prevent homelessness.

If this is not possible an assessment will be carried out by the Council's Housing Needs Team and if appropriate the statutory homeless household will be rehoused in accordance with the Allocation Scheme as it applies to homeless people.

Applicants found to be homeless, in a priority need group and where a duty to offer housing has been accepted under sections 193 or 195 of Part VII of the Housing Act 1996 will be awarded band 2.

If an applicant is assessed under Part VII of the Housing Act as intentionally homeless then the applicant will be placed in band 3 or if they satisfy the criteria for 'unacceptable behaviour' then the applicant will be deemed disqualified. (see page 9)

Applicants deemed homeless but non priority will be placed in Band 3.

It is recognised that social rented housing is not the only tenure available to accommodate statutorily homeless households and where appropriate they will be supported to secure a private tenancy. If an applicant already has an application for housing with the Council with a Reasonable Preference award, the original Reasonable Preference award date will stand even if a subsequent positive homeless decision is made about the applicant, although no extra priority will be awarded.

Choice and homelessness

Households for which the Council has accepted a statutory homeless duty under sections 193(2) or 195(2) of Part VII Housing Act 1996 (as amended) automatic bidding through the Cherwell Housing Register computer system will take place for up to 3 suitable offers per cycle (6 days). Properties that the Cherwell computer system bids on may be outside of the areas of choice that an applicant wishes to live in. Cherwell computer system will bid for the properties where the applicant will stand the best chance of being made an offer. There may be areas that are excluded by agreement that are unsuitable for an applicant and an offer will not be made in these areas. Such areas will be named on the household's housing application. Every effort will be made to place applicants where they would prefer to live but our main duty is to move them from inappropriate and costly temporary accommodation.

Time-limited priorities bidding

Applicants who are awarded priority for an urgent or significant need will be awarded this priority on a time-limited basis. This acknowledges the urgency of the situation, both for the applicant and for the Council. The initial time limit for Bands 1 and 2 will be three months from date of award until review.

Statutorily homeless applicants are dealt with separately. See how we allocate to Homeless households – page 22

A priority can be reviewed and cancelled at any time if the applicant's circumstances change.

All priorities will be monitored closely throughout their initial period. During this time we will expect applicants with a priority to bid for any suitable advertised properties. This means that applicants will sometimes need to compromise on their ideal choice of housing in order to achieve the urgent move they need. It will not always be possible to meet all their aspirations within the time available. The Council will offer support with making bids, including making bids on the applicant's behalf if they need this or if they are not making bids or are bidding unrealistically.

If the initial time-limit is reached and the applicant has not been rehoused the Council will review the priority and may cancel it. In conducting the review the Council will take into consideration the following factors:

- Have there been any properties advertised that would have met the person's need?
- If so, we will consider the reasons why they chose not to bid or investigate why they were unsuccessful.

- Do they have a specific need for property that has not been available in the time period and no other property will resolve their housing need, e.g. they have a disability and they need a ground floor property in a specific area so they can get family support?
- Have they received appropriate support and help in accessing the Choice Based Letting scheme?
- Do the person's circumstances remain the same or has the need for priority gone?

Having considered the above factors, the Council may upon review:

- extend the priority for a further period of 3 months
- place on auto bidding

The Council will effect a final offer by making a bid on behalf of the applicant and if successful offering the property to them. If the applicant refuses this offer their priority will be re-assessed and reviewed. Time-limited applicants who have already refused 1 (one) suitable offer will have their priority re-assessed and reviewed.

Auto bidding

Applicants are free to bid for their maximum number of suitable properties during a bidding cycle. If they fail to bid, Cherwell's computer system will bid for the properties where the applicant will stand the best chance of being made a nomination. When an application is placed on automatic bidding Cherwell's Housing Register computer system will place up to 3 bids per cycle (6 days) on suitable properties. Properties that the computer system bids on may be outside of the areas of choice that an applicant wishes to live in. There may be areas that are excluded by agreement that are unsuitable for an applicant and a nomination will not be made in these areas. Such areas will be named on the household's housing application.

Auto bidding will be applied to statutorily homeless households of this Authority from the date the homelessness duty is accepted.

Rural lettings schemes

The Council is keen to take account of factors which would contribute to sustaining rural communities whilst ensuring that we continue to give due weight to the reasonable preference categories required by legislation.

To enable this, the Council will set a target for the proportion of lettings in villages to be let to applicants with a local connection to the village where the letting occurs.

On the initial letting of properties on new social housing developments in rural areas which are not rural exception sites, a target of 50% of all lettings will be given first priority to applicants who have a connection with the village under the terms of the Section 106 agreement and/or a nominations agreement and have been accepted onto Cherwell's Housing Register. If there are no eligible applicants with a connection to the village the property will be offered to applicants from surrounding villages named in the nominations agreement for the scheme, followed by those in general housing need with a district connection.

On the re-letting of existing social housing properties in a village at least one in three will be to applicants who have a village connection under the terms of the Section 106 agreement and/or a nominations agreement and accepted onto Cherwell's Housing Register. If there are no eligible applicants from the village the property will be offered to

applicants from surrounding villages named in the nominations agreement for the scheme, followed by those in general housing need with a district connection.

Should there be no local connection parameters detailed within a S106 or Nominations Agreement then the default assessment of local connection will be that as expressed within this Allocations Scheme detailed below.

Rural exception sites

These are developments which are outside the village boundary, which would not normally be given planning permission. The Council can grant planning permission as an exception only where there is a need for affordable housing, for local people who cannot afford market priced housing. It must remain affordable in perpetuity.

When affordable housing is built on rural exception sites, or planning obligations are attached to other affordable housing developments, there may be restrictions on the occupancy of these homes. These restrictions are intended to ensure that applicants with a village connection and in housing need as defined in the Allocation Scheme have first priority for nomination to any social rented properties.

This means that they must not only meet the eligibility / qualification criteria for joining the Housing Register but also the requirements negotiated with the original S106 agreement or nominations agreement for each individual site.

Should there be no local connection parameters detailed within the S106 or Nominations Agreement then the default assessment of local connection will be that expressed within the Allocations Scheme as detailed below.

Village or parish connection/Rural Lettings & Rural Exception Sites

Qualifying village or parish connections are that the applicant or joint applicant must:

- have lived in the village for the last 5 years
- be employed in the village for a minimum of fifteen hours per week and the employment is not of a short-term nature
- have 10 years previous residence in the village if not currently residing there
- be over 55 or with a disability requiring support on health grounds from close relatives currently living in the village
- have close relatives living in the village for a period of at least the last five years. (Close relatives are defined as parents, children, siblings, grandparents or grandchildren including step relatives, where there is evidence of frequent contact, commitment or dependency).

Where applicants have a strong connection with a particular village, we will ask them to detail this on their application. This will enable them to be actively considered for any housing development, which takes place in areas where they hold such a connection. If an applicant is successful, they will have to provide proof of their connection before they can be approved for the nomination.

We check village connections as specified in the section 106 agreement determined when planning permission is granted for a rural exception development to take place prior to making nominations to our partner Registered Providers.

Review Procedure

A request for review must be made in writing within 21 days of the applicant being notified of our decision. The Council will determine the review within 56 days of the request or such longer period as may be agreed with the applicant.

The review must be considered on the basis of policy, law and known fact at the date of review. When conducting the review, we will consider any representations, written or otherwise, made by the applicant or on the applicant's behalf and carry out the review on the basis of the known facts at the date of the review.

If further information is required, the review period within which the decision should be made may be extended by agreement with the applicant. Reviews will be carried out by a senior member of staff at Cherwell District Council or delegated to an appropriate organisation or officer who was not involved in the original decision.

If the applicant is still dissatisfied, a report is prepared for consideration by the Head of Regeneration and Housing.

In the event of an applicant still remaining aggrieved, the next step to be considered is a complaint via the Council's Corporate Complaints Procedure or to Local Government Ombudsman. Where it is decided to confirm the original decision on any issue against the interests of the applicant, we must also give our reasons

(Note: The Council's Allocation Scheme does not remove preference for 'unacceptable behaviour' but instead renders such applicants as disqualified to be from the Housing Register. As such the right to information pursuant to section 167(4A)(b) and related right to request a review under section 167(4A)(d) Housing Act 1996 (as amended) are not applicable in this Scheme and no applicant is prejudiced in relation to those statutory rights not being included herein.)

Homeless Applicants - Review of Suitability / Discharge of duty

Whether or not a Homeless applicant accepts an offer of accommodation made under the scheme, they have the right to request a review of the suitability of the accommodation they have been offered, under section 202 and section 204 of the Housing Act 1996 (as amended). Homeless applicants are therefore encouraged to accept the offer that has been made to them, even if they intend to request a review of its suitability. If the applicant has been accepted as being owed a statutory duty by the Council, this duty, subject to a right of review, will have ceased if the property is refused. In such circumstances the Council will discharge its duty to the applicant (who will have a right of review as stated above) and they will have to leave any temporary accommodation provided and make alternative accommodation arrangements.

What discretion is built into the scheme?

From time to time a situation may arise that is not predicted by this Allocation Scheme but the needs or circumstances are exceptional and significant. See Appendix 8

Equality and Diversity

Cherwell District Council operates an equality policy in housing and will abide by the requirements of the Equalities Act 2010.

This aims to ensure that no one is treated unfairly on the grounds of gender, race, colour, ethnic or national origin, religion, disability, marital status, sexual orientation or age.

We will treat everyone equally when considering them for housing. If an applicant feels they have not been treated fairly or feels they have been discriminated against, they should contact the Head of Regeneration and Housing, stating the grounds for their complaint.

Misleading or Fraudulent Information

Where there is suspicion or an allegation that a person has either provided false information or has withheld information, the application will be suspended during the investigation until an outcome is reached.

If the outcome of any investigation is that they did not provide false information or there was no withholding of information or such was not found to be withheld knowingly, then the application suspension will be lifted and reinstated to its previous position within the Scheme meaning that the relevant applicant should not suffer prejudice.

If the Council discovers an applicant directly, or through a person acting on his or her behalf, has given false information or deliberately withheld required information we will consider legal action. A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale (£5,000). The Council will disqualify the applicant from the Housing Register.

Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by Section 146 of the 1996 Act) enables a landlord to seek possession of a tenancy which it has granted as a result of a false statement by the tenant or a person acting at the tenant's instigation.

Administrative process (see Appendix 9)

Which includes a full explanation and details of:

- Annual review of applications
- Confidentiality
- Information sharing
- Data protection

How serious offenders are dealt with under this scheme

At the time of registration, an applicant is asked if they or anyone who will be residing with them has a conviction of a criminal offence or anti-social behaviour order. See Appendix 10

How sheltered and extra care housing is dealt with under the scheme

As a general rule, only applicants with a proven support need are considered for sheltered accommodation. They will also need to meet any additional eligibility criteria specified by the landlord. See Appendix 11

Shared ownership / low cost home ownership

Allocation of shared ownership properties available in Cherwell is dealt with by the zone agent Radian

Radian Tel: is 0800 456 1188

Radian, Collins House, Bishopstoke Road, Eastleigh, Hants, SO50 6AD

<http://www.helptobuysouth.co.uk>

NB: It is no longer a requirement to be on the Housing Register to be considered for shared ownership, you can apply directly to Radian.

Build!®Project

Build!® is a registered trademark for the development of self build opportunities in Cherwell. This project is to develop self build opportunities across the district and is still under development. A separate assessment will need to be undertaken to access properties developed through the Build project. Any social rented tenancies developed through Build!® project will be advertised and allocated through Choice Based Lettings. See Appendix 12

Mutual exchange

Homeswapper

We have agreed in principle to encourage our partner Registered Providers to participate in Homeswapper, a national mutual exchange website. Most do so already and where a Register Provider does participate there is no cost to their tenants. It has the advantage of having substantial coverage across our region and elsewhere.

Anyone finding a tenant to swap with must gain the approval of their landlord to proceed to do so

List of Partner Registered Providers and how to contact them

HA	Add1	Add2	Add3	Postcode	Phone
A2Dominion Housing Group Ltd	The Point	37 North Wharf Road	London	W2 1BD	020 8840 6262
Ability Housing Association	The Coach House	Gresham Road	Staines	TW18 2AE	01784 490910
Advance Housing	2 Witan Way	Witney	Oxfordshire	OX28 6FH	01993 772885
Anchor Housing Association	2 nd Floor	25 Bedford Street	London	WC2E 9ES	020 7759 9100
BPHA	Pilgrims House	Horne Lane	Bedford	MK40 1NY	0330 100 0272
Bromford Housing	1 Exchange Court	Brabourne Avenue	Wolverhampton	WV10 6AU	0330 1234 034
Catalyst Housing	Ealing Gateway	26-30 Uxbridge Road	Ealing, London	W5 2AU	020 8832 3334
English Rural Housing Association	Hall House, 9 Graphite Square	Vauxhall Walk	London	SE11 5EE	020 7820 7930
Greensquare Group	244 Barns Road	Oxford		OX4 3RW	01865 773000
Hanover Housing	Hanover House	1 Bridge Road	Staines	TW18 4TB	01784 446000
Heyford Regeneration Limited	Heyford Park House	52 Camp Road	Upper Heyford	OX25 5HD	01869 238200
Housing and Care 21	Tricorn House	51-53 Hagley Road	Birmingham	B16 8TP	03701 924000
Lambeth Living	Hambrook House	Porden Road	London	SW2 1RP	020 7926 3497
L&Q Housing	Osborn House	Osborn Terrace	London	SE3 9DR	0844 406 9000
Methodist Housing Association	Epworth House	Stuart Street	Derby	DE1 2EQ	01332 296200
Paradigm Housing	1 Glory Park Avenue	Wooburn Green	Bucks	HP10 0DF	01494 830846
Sanctuary Housing	Bodicote House	White Post Road	Bodicote, Banbury	OX15 4AA	0800 131 3348
SOHA	Royal Scot 99 Station	Didcot		OX11 7NN	01235 515900
Sovereign Housing	Woodlands	90 Bartholomew Street	Newbury	RG14 5EE	01635 572220
Stonewater	Jephson House	Narrowboat Way	Brierley Hill	DY5 1UF	
Thames Valley Housing	Premier House	52 London Road	Twickenham	TW1 3RP	020 8607 0898
Waterloo Housing Group	1700 Solihull Parkway	Birmingham Business Park	Solihull	B37 7YD	0800 435 016

Councillors, board members, employees and their close relatives

This Scheme is designed to ensure that Cherwell District Council (and any relevant organisation) is transparent and equitable when letting homes to staff Councillors or Board Members and their relatives.

The Part VI Allocation Scheme is open to any eligible applicant and there are stringent checks in place that all applicants must follow.

Staff, Board Members, Council Members and their relatives are treated as any other applicant and must be seen to not be gaining any advantage or any preferential treatment in the course of their application, nor shall they be disadvantaged.

Therefore, the following procedure must be undertaken to ensure that any letting can be subject to a high level of scrutiny:

- The staff member who is applying for housing must have no direct input into any decisions regarding their rehousing. This includes not inputting the original application onto the Housing Management system or adding any priority at any time onto the application
- Staff members must also not have any involvement in the inputting of the application or awarding of priority for any relative
- Applications should be clearly marked on the housing management system that the application is that of a staff member, Board Member, Council Members or relative
- When such an applicant has bid for a property and is showing at the top of a queue, the details of the offer must be scrutinised and signed off by the Cherwell District Council Housing Needs Manager

If an offer of a property is to be made to an officer at Head of Service level or above then the offer must be countersigned by the Head of Regeneration and Housing

Sufficient financial resources

Applicants who have financial income, capital or assets which are large enough to provide access to other forms of tenure to meet their housing need will not qualify to join the Housing Register but will be offered advice on alternative housing options.

The Council considers £60,000 total income, capital or assets to be sufficient financial resource to buy a home or pay market rent in our District. The price of suitable housing will vary according to the household's needs and location within the district.

Applicants with assets above this level will not be eligible to join the Housing Register

The Council will also take into account any previous disposals of assets; income, capital or savings when calculating the financial resources available which will include disposals for nil (for example, transfer of ownership) or below market rate value.

Applicants will be asked to provide evidence of their income, savings and assets in order to verify the affordability assessment. If applicants fail to provide sufficient evidence then their application cannot be assessed and will not progress further.

Where applicants are assessed as not having sufficient financial resources, their application will be assessed according to the banding scheme.

If an assessment has to be made, for example on medical grounds, consideration is given to the following:

- whether the applicant can sell their current home
- the expected equity after the proposed sale of the property
- the applicant's current financial circumstances and commitments
- whether the applicant is eligible for a mortgage
- the supply of private rented accommodation suitable for the applicant's specific needs
- whether the applicant's housing need can be met in the private sector, taking into consideration the cost of housing in the District

If applicants demonstrate a need for alternative accommodation and they have 'insufficient resources' to secure that alternative accommodation they are placed in the band appropriate to their housing need. If information is not supplied about resources applicants will not be assessed and will not progress further.

A need for alternative accommodation might include:

- medical conditions
- disability
- frailty
- serious disrepair
- possession action
- acute financial hardship

Anyone subsequently ineligible or disqualified from the Scheme will be provided with a full written explanation for the decision and will have a right of review of the decision. Please see page 25 which deals with the right to reviews of decisions.

Description of bands

Band 1: Urgent Need to Move due to Reasonable Preference	Examples of Qualifying Circumstances / Summary of Criteria
Hospital discharge	Those who have somewhere to live on leaving hospital but it is unsuitable for their medical needs and cannot be made suitable through adaptations due to cost, structural difficulties or the property cannot be adapted within a reasonable amount of time. Where the impact is assessed as being urgent the applicant may be awarded Band 1. Those who have nowhere at all to live when they leave hospital may qualify for Band 1 if the need to move is urgent and all other reasonable housing options have been explored.
Health or disability See health and disability matrix	An applicant's condition is life-limiting, life threatening or restricted day-by-day by Disability – see Health and Disability Matrix Band 1 (Appendix 5) and the accommodation directly affects their condition.
Social, Welfare and Hardship See social, welfare and hardship matrix	<ul style="list-style-type: none"> ▪ Threat to life ▪ Emergency cases due to fire, flood or other disaster ▪ Exceptional need not covered elsewhere in the scheme ▪ Exceptional circumstances as directed by Head of Regeneration and Housing (Appendix 6)
Abuse, Violence or Harassment	High risk victims of domestic abuse, subject a MARAC (Multi Agency Risk Assessment Conference) will be eligible for additional preference as part of an agreed safety plan and will be placed in Band 1.
Serious Overcrowding	Band 1 priority is awarded to those applicant households who occupy accommodation which is 2 or more bedrooms smaller than that for which the household is eligible. An award will not be recognised where applicants have moved themselves into an overcrowded situation.
Under-occupation of social tenancies in Cherwell District	Registered Provider tenants who under-occupy properties and who need or are willing to move to a dwelling with fewer bedrooms than they already occupy are placed in Band 1.

Ex Armed Forces Personnel who have sustained serious injury, medical condition or disability during service Existing or former members of the reserve forces who are suffering from a serious injury, illness or disability which is wholly or partly attributed to their service	Any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the UK Armed Forces. This award only applies where the applicant's current accommodation does not meet the requirements of the occupants in terms of adaptations.
Private Sector properties subject to prohibition or demolition order	Prohibition or demolition order granted preventing occupation of whole dwelling
Safeguarding Children / Vulnerable Adults	Serious threat to the well-being of a child / adult and their accommodation is a contributory factor to the risk. These are cases where a move is required to mitigate the risk to the child as confirmed by a Senior Manager in Children's Services / Adult Service or equivalent subject to a Child / Adult Protection Conference and agreed by the Housing Needs Manager.
Elderly social housing tenants in Cherwell District who are willing to move to sheltered accommodation	Elderly applicants who will be releasing general needs housing.
Release of adapted property	Where a tenant does not require the adaptations in their current home and will therefore be releasing an adapted property by moving and there is a suitable applicant queuing for the adapted property which will be released through a move. This award is valid if the applicant still requires adaptations provided the adaptations required are different from those in their current home.
Approved Move On from Supported Housing	An applicant is ready to move to independent settled housing on the recommendation of the support worker and can demonstrate that they have acquired the necessary skills to live independently which meets the Council's requirements. Ongoing support needs have been assessed and, where appropriate, a support plan is in place.
Approved Move on form Care	Applicants will be awarded this category on accordance with protocols between the Housing service and the County Council's Children's service department. Applicants must be former relevant child as defined by the Children's Leaving care Act 2002 and be a young person at risk

Band 2 Significant Need to Move – Reasonable Preference	Examples of Qualifying Circumstances / Summary of Criteria
Statutory Homeless Households	All accepted statutory homeless people as defined in Part VII of the Housing Act 1996 and are owed a duty under section, 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by Cherwell District Council under section 192(3).
Health and Disability See health and disability matrix	See Health and Disability Matrix Band 2 (see Appendix 5) There is an identified significant effect on the health or well-being of an applicant or a member of their household as a consequence of their housing situation.
Social, Welfare and Hardship See social, welfare and hardship matrix	<ul style="list-style-type: none"> ▪ There is a significant need to move in order to receive / give essential care and support ▪ The applicant or a member of their household has a physical or learning disability ▪ Take up employment, education or training – documentary evidence required ▪ Foster care <p>To be eligible for this award documentary evidence will be required.</p>
Overcrowded	Applicants overcrowded by 1 bedroom calculated according to the bedroom standard (see tables on pages 14 & 15)
Armed Forces with Discharge date <ul style="list-style-type: none"> • Those who are currently serving in the regular forces or who were serving in the regular forces at any time in the 5 years preceding their application for an allocation of social housing OR • bereaved spouses or civil partners of those serving in the regular forces where (i)the bereaved spouse or civil partner has recently ceased, or will cease to be entitled to reside in Ministry of Defence accommodation following the death of their spouse or civil partner, and (ii)the death was wholly or partly attributable to their service 	Armed Forces applicants are awarded Band 2, 12 months prior to their official discharge date – documentary evidence will be required.

People at risk of homelessness	Those deemed at risk of homelessness and in apparent priority need as evidenced by the Housing Needs Team. This will be reviewed as part of on-going case work every 28 days.
Unsatisfactory Housing	Where the property is assessed against the Housing Health & Safety Rating System (HHSRS) and the defects cannot be remedied in a reasonable timescale. Assessment is carried out by an Environmental Health Officer or other qualified Officer
Social Tenants needing to move for work	<ul style="list-style-type: none"> ▪ Have reasonable preference because of a need to move to the local authority's district to avoid hardship. ▪ Need to move because the tenant works or has been offered work in the district of the authority and has a genuine intention to take up the offer

Band 3: Moderate Need to Move due to Reasonable Preference	Examples of Qualifying Circumstances / Summary of Criteria
Tied Accommodation	<p>Applicants living in tied accommodation relating to their employment, and who have received formal notice of termination of their employment and tenancy through no fault of their own.</p> <p>Band 3 will only be given where there is clear documentary evidence that the employer is terminating the employment and the use of the accommodation within 12 months.</p> <p>Examples of such applicants include:</p> <ul style="list-style-type: none"> • school caretakers • wardens of sheltered schemes
Agricultural workers	<p>We will grant Band 3 to displaced agricultural workers for accommodation according to the requirements of the Rent (Agriculture) Act 1976. In reaching a decision on whether an applicant is to be prioritised for housing on these grounds, the Council will need to be satisfied that:</p> <ul style="list-style-type: none"> • the dwelling from which the agricultural worker is being displaced is needed to accommodate another agricultural worker and the farmer cannot provide suitable alternative accommodation for the displaced worker • the displaced worker needs re-housing in the interests of efficient agriculture • the farm is sold and the property will no longer be available <p>The Council will take advice from the Agricultural Dwelling-House Advisory Committee (ADHAC) in all these respects.</p>
Non priority homeless / intentionally homeless - People who are not owed a duty by Cherwell District Council under section 190 (2), 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68 (2) of the Housing Act 1985)	<p>People as defined in Part VII of the Housing Act 1996 who are found to be homeless but not in priority need or intentionally homeless</p> <p>People who are formally assessed by Cherwell District Council as of No Fixed Abode</p>
Health & disability - moderate	See matrix – Appendix 5
Social, Welfare or Hardship - moderate	See matrix – Appendix 6

Reserve List: Qualified without recognised housing need within this policy	Examples of Qualifying Circumstances / Summary of Criteria
Applicants who are eligible and qualify under the rules of the Scheme	Those who do not qualify for bands 1, 2, 3

THIS IS NOT AN EXHAUSTIVE LIST

Health and disability matrix

All applicants need to complete a Cherwell District Council medical form.

This matrix sets out the guidelines for assessing the housing need of an applicant, or a member of their household, where there is reason to believe their health is being adversely affected by their current housing circumstances. In all cases the assessment will focus on the extent to which existing housing exacerbates the problems being experienced and the extent to which these problems could be alleviated by a move to alternative more suitable accommodation.

The assessment will be made based on the evidence gathered from the applicant, occupational therapists and other health and social care professionals. Account will also be taken of whether the resultant housing problem has already been dealt with elsewhere in the Allocation Scheme, for example where additional priority has already been awarded for overcrowding and this is the source of the medical issues.

Health and disability matrix

Band 1 - urgent	Band 2 - Significant	Band 3 - moderate
<ul style="list-style-type: none"> ▪ Where an applicant's condition is life-limiting and rehousing is required to provide a basis for the provision of suitable care ▪ The applicant's condition is life threatening and the applicant's existing accommodation is a major contributory factor, for example, where an applicant has identified significant mental health problems which are exacerbated by their accommodation ▪ Disabled people who have restricted or limited mobility and are limited by their accommodation and unable to carry out day to day activities or have difficulties accessing facilities inside and outside of their accommodation and require rehousing into accommodation suitable for their use ▪ Hospital discharge with no suitable 	<ul style="list-style-type: none"> ▪ There is an identified serious effect on the health or well-being of an applicant or a member of their household while they continue to live in their current accommodation but it does not cause serious barriers to day to day activity or their life is not at risk due to their current housing. ▪ Mental illness or disorder ▪ Chronic or progressive medical conditions eg MS, HIV/AIDS ▪ Infirmity due to old age ▪ Need for adapted housing and/or extra facilities, bedroom or bathroom ▪ Need for improved heating ▪ Need for ground floor accommodation ▪ Need to move following hospitalisation or long term care or to access medical treatment 	<ul style="list-style-type: none"> ▪ there is risk of deterioration in the health of the applicant or a member of their household which will make it difficult for them to manage their existing home at some point in the future

Band 1 - urgent	Band 2 - Significant	Band 3 - moderate
accommodation available	<p>The Council will take into account information provided by one or more of the following:</p> <ul style="list-style-type: none"> • An applicant's GP or consultant • Social Services • Occupational Therapist • Age Concern or any other voluntary sector organisation representing the applicant 	

Social, Welfare and Hardship assessment matrix

This matrix sets out the guidelines for assessing an applicant, or a member of their household's housing need, where there is reason to believe they have exceptional social, welfare and hardship circumstances, *not covered elsewhere in the Allocation Scheme*, where it would be considered appropriate to recognise additional priority for an applicant to move.

Band 1 - urgent	Band 2 - significant	Band 3 - moderate
<ul style="list-style-type: none"> ▪ Threat to life ▪ Emergency cases due to fire, flood or other disaster ▪ Exceptional need not covered elsewhere in the scheme ▪ Exceptional circumstances as directed by Head of Regeneration and Housing 	<ul style="list-style-type: none"> ▪ There is an significant need to move in order to receive / give essential care and support ▪ The applicant or a member of their household has a physical or learning disability which is significantly impacted by their current housing ▪ Behavioural difficulties ▪ Need for sheltered housing ▪ Need to move to take up employment, education or training – documentary evidence required ▪ There is an significant need to move to provide foster care <p>To be eligible for this award you will need to provide documentary evidence</p>	<ul style="list-style-type: none"> ▪ The existing home moderately limits the care and support that can be provided to the applicant or someone in their household ▪ The environment around the home has moderate detrimental effect on the quality of life of the household ▪ Financial Hardship Current Accommodation is Financially unsustainable and cannot be resolved.

How medical assessment and adapted homes are dealt with under the scheme

Adaptations

Properties which are adapted or which are suitable for adaptation or which are otherwise potentially suitable for applicants with a disability, where other accommodation may create barriers for a disabled applicant or for other special reasons may be allocated directly to the most appropriate applicant and outside any strict order. Specially adapted properties may also be labelled so that only applicants who meet specific criteria may bid. This may, depending on the characteristics of the property, include cases where a ground floor flat is available and an applicant with very high priority requires such accommodation. Rather than select an applicant with general needs to the property the Council reserves the right to allocate to a high priority applicant in need of such accommodation.

Medical Assessment

Applicants who have a medical need will be asked to complete a Medical Form, which will be assessed by the Council. Applicants will only be offered additional preference if their current housing has a negative impact on the applicant's health or condition.

The criteria to be considered relate to the extent that the health of an applicant, or an immediate member of the applicant's household, will significantly improve by a move to alternative accommodation. The assessment is not based on the seriousness of an applicant's condition, but is solely based on the impact of their current housing on that condition and whether this would improve significantly through a move to alternative housing.

In circumstances where more than one member of the household suffers from a medical condition, the Council will take the needs of the entire household into account when making a decision.

Following assessment, the Council will decide whether or not to award priority on the basis of the information provided in the medical form and where appropriate, any additional information from the GP, hospital, or consultant.

What discretion is built into the scheme?

Management Discretion

As far as it is possible, the Council will use the banding system and registration date (See page 12) within the band to prioritise applications for accommodation. At times this will also incorporate restrictive labelling of properties through Choice Based Lettings and Local Lettings Plans to ensure that the Council is meeting its statutory obligations and helping to achieve the outcomes of Cherwell District Council's Housing Strategy.

From time to time a situation may arise that is not predicted by this Allocation Scheme but the needs or circumstances are exceptional and significant.

Where a case is considered exceptional but the applicant does not meet any of the Reasonable Preference criteria or it is felt that a higher banding than the one awarded is more appropriate then the Housing Needs Manager / Head of Regeneration and Housing of the District Council reserves the right to override this scheme and allow an applicant to have a higher priority than they would be entitled to under the Scheme. These cases should be few in number and will be closely monitored and identified in reporting on the annual lettings plan to ensure that the duty to achieve Reasonable Preference overall is not compromised.

Such cases will qualify for Reasonable Preference and will be granted additional preference and placed at the top of Band 1, irrespective of waiting time and made a direct offer of accommodation if all other housing options have been explored.

The Head of Regeneration and Housing can also be used to block an allocation in circumstances not predicted by this scheme but where the Council is satisfied someone has unfairly taken advantage of the scheme to the detriment of those in housing need. Again, these cases will be monitored and are expected to be few in number.

Administrative Processes

Review of Applications

Annual review of applications

In order to keep the Housing Register up to date all applications are subject to an annual review. The review is intended to ensure the applicant still wishes to be considered for accommodation and that the most up to date information about their housing circumstances is held.

Applicants who fail to respond to either the review or reminder letter within 28 days will have their application closed.

Confidentiality - information sharing agreement

Any information provided as part of the application process is treated in the strictest confidence and in accordance with current data protection legislation.

Sharing confidential personal information

Personal information obtained from or about an applicant registered on the Allocation Scheme, will only be used in ways that the applicant reasonably expects in order to process their application.

Privacy and confidentiality will be respected and information will normally be shared only with the applicant's implied or express consent to deliver the service they are seeking, to verify information in order to assess eligibility and priority and to answer enquiries from elected representatives and/or authorised agents acting on behalf of the applicant. This will include the sharing of information with members of the District Housing Register Partnership. (see Partner Registered Providers Appendix 1)

Data protection and information sharing

All information held is subject to the Data Protection Act 1998. The Council will seek the express consent of applicants joining the Allocation Scheme to share personal information about the applicant, and any member of their household.

Information sharing without consent

Information may be shared about the individual and their history irrespective of whether their consent has been obtained in exceptional circumstances which will include:

- In accordance with the provisions of the Crime and Disorder Act 1998 (section 115)
- Where there is a serious threat to the other party's staff or contractors
- Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of his or her household, or a member of staff

False statements or withheld information

It is a criminal offence for applicants and/or anyone providing information to this Scheme to knowingly or recklessly make false statements or knowingly withhold reasonably requested information relevant to their application (s171 Housing Act 1996). This includes but is not limited to information requested on the housing registration form, in response to correspondence at the renewal of the application, or relating to any other review of the application. An offence is also committed if a third party provides false information whether or not on the instigation of the applicant. This would apply at any stage of the application process.

Applicants who withhold or supply false information will be disqualified for up to 5 years.

Monitoring and evaluation

To ensure that the Allocation Scheme fully meets its aims and objectives it will be monitored and evaluated on a yearly basis. The Council reserves the right to make amendments to the Scheme to reflect changing circumstances within the District. Any major amendments will be consulted upon with all relevant stakeholders before implementation.

Housing Options

We give all applicants information on other housing options that may be available to them, to assist the applicant in making a reasonable choice as to their best prospect of securing suitable accommodation. This includes information on:

- low cost home ownership
- private sector rented property
- mutual exchanges

This list is not exhaustive.

How serious offenders are dealt with under this scheme

Cherwell District Council, along with other agencies will make an assessment of the risk to the community of any applicant who has been convicted of an offence and is considered to present a significant risk to potential neighbours and/or communities.

At the time of registration, an applicant is asked if they or anyone who will be residing with them has a conviction of a criminal offence or anti-social behaviour order.

The Criminal Justice Act 2003 (“CJA 2003”) provides for the establishment of Multi-Agency Public Protection Arrangements (“MAPPA”) in each of the 42 criminal justice areas in England and Wales. These are designed to protect the public, including previous victims of crime, from serious harm by sexual and violent offenders. They require the local criminal justice agencies and other bodies dealing with offenders to work together in partnership in dealing with these offenders.

The Responsible Authority is the primary agency for MAPPA. This is the police, prison and Probation Trust in each area, working together. The Responsible Authority has a duty to ensure that the risks posed by specified sexual and violent offenders are assessed and managed appropriately. Housing departments have a duty to co-operate with the Responsible Authority in this task.

Applicants subject to MAPPA arrangements can apply for properties in the normal way. If successful, the Responsible Authority will decide if the property is a suitable allocation for the individual.

Applicants have the right to request a review – see page 25

Anti-social behaviour

Some of these applicants with a history of anti-social behaviour will be assessed as disqualified for rehousing due to evidence of past unacceptable behaviour that would warrant an outright possession order through the courts. In such cases, these applicants will be treated as disqualified.

Dependant on the severity and/or nature of the anti-social behaviour and or criminal behaviour applicants may be disqualified for a number of years although reviewed on an annual basis. (see Disqualification rules on page 9)

How sheltered and extra care housing is dealt with under the scheme

Sheltered housing

As a general rule, only applicants with a proven support need are considered for sheltered accommodation. They will also need to meet the eligibility criteria specified by the landlord. Applicants also need to be eligible for housing as per the published Allocation Scheme of Cherwell.

Therefore restrictive labelling (see page 21) will be applied to vacancies advertised through Choice Based Lettings. It is a condition of all tenancies in sheltered housing schemes that tenants agree to take the Care Line and Warden Service. Separate charges are made for these services on top of the rent.

Extra Care Housing

Cherwell District Council has nomination rights to some schemes in the district. Extra care housing is to provide older people with their own home and tenancy within a support and care environment ensuring that appropriate personal and housing support are available as required. A tenant may move into a scheme with no or low needs but can access further care as and when the needs arises as they get older or more frail. Extra Care Housing can remove the need for Residential Care for older people in many cases.

People who have assessed care needs will have them provided for by either a Personal Care Support Team who are based on site 24 hours a day and will be able to give care to tenants when this is required or a support team of their choice. The team will be able to adapt a person's care plan to suit their changing needs.

An Extra Care scheme should contain a balance of needs – it is not a residential care home. Any scheme needs to have a vibrant and active feel to it – and therefore the balance of care and support needs is key to a successful Extra Care environment. There is no exact formula to create this environment and the allocations panel will have to take a number of things into consideration when offering a property. These factors include individual circumstances, available care hours, existing needs and numbers of tenants with dementia in the Scheme etc.

All applicants will be registered and assessed for rehousing in line with Cherwell District Council's Allocation Scheme and be eligible to access Social Housing.

To be eligible for Extra Care schemes all potential tenants must:

- Be over 55 years of age or meet the eligibility criteria specified by the landlord
- Be eligible for housing as per the published Allocation Scheme of Cherwell District Council
- Be assessed by the Extra Care Scheme Manager for support that is provided Applicants must be deemed suitable for the Extra Care Scheme and that they do not have support needs that are unable to be met or would be detrimental to the scheme itself or other tenants

- Be prepared to agree to the Extra Care Scheme tenancy agreement
- Be made aware of the costs of moving into the Extra Care Scheme before a letting is carried out. This is especially in regard to care costs where these will not be covered by Housing Benefit.

Residents in the Scheme will be offered the opportunity to have their care provided by the contracted care provider.

It should be noted that for couples where one partner is below 55 years of age the couple may be granted a tenancy but it will be a sole tenancy only in the name of the person who is over 55 and therefore meets the criteria above. The younger partner would not be granted succession to the tenancy unless the partner meets the criteria detailed above, at the point at which an application for succession is made.

Extra Care Housing Allocations Panel

The Extra Care Housing Allocations Panel will require an up to date social care assessment in an appropriate format outlining the prospective tenant's housing and social care needs and a medical/social history to enable the panel to arrive at an informed decision as regards whether their needs can be met within the scheme.

The Allocations Panel comprises of:

- A Scheme Manager
- The Rehousing Manager
- A representative of Adult Social Care

When considering a referral for an applicant with care needs the panel will take into account as a minimum:

- the housing and support need of the applicant
- care hours required and the balance of needs within the scheme
- which property size is most appropriate for the applicant, taking into account the size of property in which the applicant has expressed as a preference
- whether the applicant has a local connection to the area

An allocation will only be made via this Panel. The panel will meet whenever a vacancy arises.

A potential tenant must also undertake a pre-offer interview with the Scheme Manager and be shown the facilities at the scheme to ensure that all parties are comfortable with the responsibilities and expectations of a tenancy within an Extra Care Housing scheme. This also gives the prospective tenants an opportunity to find out more about the scheme and to make an informed decision about moving. On completion of a successful Scheme visit a tenancy is offered and paperwork completed by the Scheme Manager.

If this visit raises issues as to the suitability of a tenancy, every step will be taken to resolve the situation in discussion with all parties. A further assessment or Panel discussion may be requested or further housing related support may be necessary.

If identified issues cannot be resolved (or resolved within an agreed timescale with the provider), the tenancy will be offered to the next suitable person identified by the Panel or Rehousing Officer – again subject to a successful home or scheme visit.

The Extra Care Scheme Manager will inform all applicants refused an offer of a tenancy and will give reasons for the decision. An appeals process can be invoked where any party wishes to dispute the decision reached by the Allocation Panel.

Property type and size

All applicants are eligible for a one or two bedroom property and are invited to express their preference. However, the final decision on the size of property allocated to the applicant will be made by the Panel, taking into account the applicant's preference and the government's new guidance on bedroom allowance.

Supported Accommodation

Size and type of property for which applicants are eligible

Supported housing will be available only for applicants who are eligible for that particular type of accommodation and the related support. For example, some supported housing is provided exclusively for people with learning difficulties, or for young people leaving care. Where accommodation is available only for applicants who satisfy such special criteria, this will be clearly labelled on advertisements placed on the Choice Based Lettings website.

Please refer to page 14 to see the size of property for which applicants are eligible for.

Where applicants require larger accommodation on health grounds, this will be considered on a case by case basis, taking into account the advice of a qualified medical advisor and the government's new guidance on bedroom allowance.

Including a Carer in the application

A carer is someone who, with or without payment, provides help and support to a partner, relative, friend or neighbour, who would not manage without their help. This could be due to age, physical or mental health, addiction, or disability. In all cases the carer must have been identified by the applicant as the person who is primarily responsible for providing them with care and has the need to live with them or near them.

Even if an applicant is in receipt of Carer's Allowance it may not be necessary for the carer to reside with them. An application to include a carer in a housing application will be considered if the carer has been assessed by Social Care and Health as needing to provide overnight support and cannot reasonably be expected to share a bedroom. In these circumstances the applicant must provide supporting evidence from other agencies e.g. Adult Social Care or a health professional.

In some limited circumstances it may be possible to consider cases where the carer is not in receipt of Carer's Allowance. Under these circumstances it will still be necessary for the applicant to demonstrate that the person looked after is in receipt of one of the following benefits:

- Disability Living Allowance – paid at either the middle or higher rate for personal care.
- Attendance Allowance
- Constant Attendance Allowance
- Disablement Benefit

What is the Build!® project?

Cherwell District Council has launched a self-build project, providing an alternative source of affordable housing. The principle is essentially that members of the public could be involved in building their own homes, as a community or independently to some degree or other, and would in return benefit from lower rents or purchase prices and perhaps a home design more in line with their needs. The initial project aims to provide 250 homes in the Cherwell District through a combination of self-build, part self-build and final finish, through new-build and renovation of long-term empty homes, by the end of the 2014/15 financial year.

Do I need to have skills or experience?

Certain schemes such as 'self-build housing scheme' will need professional experience and skills which we hope to procure through fellow Build!® applicants, local contractors and local suppliers. However it is feasible that groups of people with a range of skills could decide to work together on a number of properties, benefiting from each other's handy-work and economies of scale in procuring additional services. Build!® will also seek to provide training to individuals who wish to take part in self-build projects but lack the basic skills to do so, giving them opportunities to learn and apply skills in tasks on Build!® homes.

What are the build options?

- **Self-finish** - this will involve the participant completing some internal work such as fitting kitchens and bathrooms; decoration and finishes to internal walls, ceilings and floors; installing internal doors and architraves; completing external landscaping. This may include former empty properties and new-builds.
- **Watertight shell** - the building will be completed to the point where it is watertight but internal structures such as partition walls will need to be added, plumbing and wiring installed etc.
- **Serviced plot** - a plot of land with all services supplied up to its boundary, including electricity, gas, sewerage, roads and so on. Detailed planning permission will be in place for prospective buyers to build their home from scratch. This may involve them doing the work themselves, buying a 'kit home' or commissioning a builder to build the home on their behalf.

What are the possible tenures?

Homes will be available to buy on:

- shared ownership
- shared equity
- to rent at 60 to 80 per cent of open market value (depending on the level of involvement)
- open market sale - those intending to buy their own home. Cherwell will also be able to signpost them to mortgages specifically tailored for self-build.

Complaints

An applicant who is not satisfied with the service that they receive may register a complaint with the Council's Complaint procedure by telephone, e-mail or in person. All complaints will be acknowledged and investigated.

How to complain

If you have a complaint, please use one of the following methods to contact us:

- Complete the compliment/comment/complaint form available from the website
- Visit one of our offices in Bicester, Kidlington, Bodicote, Banbury
- Write to Complaints, Customer Service Centre, Cherwell District Council, Bodicote House, Bodicote, Banbury OX15 4AA
- e-mail complaints@cherwell-dc.gov.uk

Your complaint should include your details, information about what went wrong and what you want us to do about it.

Definition of Terms

Allocation	<ul style="list-style-type: none"> • The selection process by which a person becomes a secure or introductory tenant of housing accommodation held by a housing authority <i>or</i> • The nomination process by which a person becomes an assured or assured shorthold tenant of housing accommodation held by a Registered Provider.
Children	Are defined as dependents, in a household, under the age of 16 or who is still dependant on the applicant e.g. due to continuing education
Choice Based Lettings	The advert based system that we used so that applicants on our Housing Register can apply for properties. Applicants are assessed, properties are advertised and applicants apply for them
Disabled adapted properties	Disabled adapted properties are properties that have been specially built or adapted for people with disabilities
Effective date	Date used to prioritise applications in a band
General needs properties	General needs properties are suitable for applicants who do not have a need for sheltered accommodation or specially built or adapted properties. They include bedsitters and house, flats and maisonettes of any size
General register applicant	Applicants who have been accepted onto our Housing Register as being eligible to apply for social housing
Homeless applicant	Applicants found to be homeless, in a priority need group and where a duty to offer housing has been accepted under sections 193 or 195 of Part 7 of the Housing Act 1996
Housing Register	The Housing Register is the waiting list administered by Cherwell District Council on behalf of our partner Registered

	Providers.
Joint Applicants	<p>Joint applicants may be:</p> <ul style="list-style-type: none"> • married couples • partners living together • others who wish to set up home together
Approved Move-on	Applicants who have been assessed by a support worker as ready to move-on from supported accommodation where Cherwell have an agreed move-on protocol
Nomination agreement	A legal agreement between the Council and the registered provider which states how applicants will be nominated for vacancies by the Council, the number of vacancies that must be offered to the Council for nomination and any special priorities such as village or local connection
Registration date	The date the Housing application was received
Registered Provider (RP)	A Registered Provider; the official name for housing associations, housing co-operatives and housing companies that are registered with the Housing Corporation Association
Secure tenancy	Tenancies granted by local authorities whenever granted and tenancies granted by Registered Providers before 15 January 1989
Sheltered housing	Sheltered housing is housing with visiting or residential staff
Social housing	Affordable housing that you rent or part rent / buy from a council or Registered Provider
Tied accommodation	Accommodation provided for and subject to employment
Transfer applicant	A transfer applicant is a secure tenant or an assured tenant of one of our partner RPs who lives in our district and whose application has been accepted onto our Housing Register

National Planning Policy Framework



National Planning Policy Framework

© Crown copyright, 2012

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.communities.gov.uk

Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

March, 2012

ISBN: 978-1-4098-3413-7

Contents

Ministerial foreword	i
Introduction	1
Achieving sustainable development	2
1. Building a strong, competitive economy	6
2. Ensuring the vitality of town centres	7
3. Supporting a prosperous rural economy	9
4. Promoting sustainable transport	9
5. Supporting high quality communications infrastructure	11
6. Delivering a wide choice of high quality homes	12
7. Requiring good design	14
8. Promoting healthy communities	17
9. Protecting Green Belt land	19
10. Meeting the challenge of climate change, flooding and coastal change	21
11. Conserving and enhancing the natural environment	25
12. Conserving and enhancing the historic environment	30
13. Facilitating the sustainable use of minerals	32
Plan-making	37
Decision-taking	45
Annexes	
1. Implementation	48
2. Glossary	50
3. Documents replaced by this Framework	58

Ministerial foreword



The purpose of planning is to help achieve sustainable development.

Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations.

Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate.

Sustainable development is about change for the better, and not only in our built environment.

Our natural environment is essential to our wellbeing, and it can be better looked after than it has been. Habitats that have been degraded can be restored. Species that have been isolated can be reconnected. Green Belt land that has been depleted of diversity can be refilled by nature – and opened to people to experience it, to the benefit of body and soul.

Our historic environment – buildings, landscapes, towns and villages – can better be cherished if their spirit of place thrives, rather than withers.

Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.

So sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.

The planning system is about helping to make this happen.

Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision. This framework sets out clearly what could make a proposed plan or development unsustainable.

In order to fulfil its purpose of helping achieve sustainable development, planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives.

This should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them. Dismantling the unaccountable regional apparatus and introducing neighbourhood planning addresses this.

In part, people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities.

This National Planning Policy Framework changes that. By replacing over a thousand pages of national policy with around fifty, written simply and clearly, we are allowing people and communities back into planning.

A handwritten signature in black ink that reads "Greg Clark". The signature is written in a cursive, slightly stylized font.

Rt Hon Greg Clark MP
Minister for Planning

Introduction

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.¹ It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.
2. Planning law requires that applications for planning permission must be determined in accordance with the development plan,² unless material considerations indicate otherwise.³ The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.⁴ Planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements.
3. This Framework does not contain specific policies for nationally significant infrastructure projects for which particular considerations apply. These are determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant national policy statements for major infrastructure, as well as any other matters that are considered both important and relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and are a material consideration in decisions on planning applications.
4. This Framework should be read in conjunction with the Government's planning policy for traveller sites. Local planning authorities preparing plans for and taking decisions on travellers sites should also have regard to the policies in this Framework so far as relevant.
5. This Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England.⁵ However, local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in this Framework so far as relevant.

1 A list of the documents revoked and replaced by this Framework is at Annex 3.

2 This includes the Local Plan and neighbourhood plans which have been made in relation to the area (see glossary for full definition).

3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

4 Sections 19(2)(a) and 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. In relation to neighbourhood plans, under section 38B and C and paragraph 8(2) of new Schedule 4B to the 2004 Act (inserted by the Localism Act 2011 section 116 and Schedules 9 and 10) the independent examiner will consider whether having regard to national policy it is appropriate to make the plan.

5 The Waste Planning Policy Statement will remain in force until the National Waste Management Plan is published.

Achieving sustainable development

International and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy *Securing the Future* set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
 - **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

8. These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
 - making it easier for jobs to be created in cities, towns and villages;
 - moving from a net loss of bio-diversity to achieving net gains for nature;⁶
 - replacing poor design with better design;
 - improving the conditions in which people live, work, travel and take leisure; and
 - widening the choice of high quality homes.
10. Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

The presumption in favour of sustainable development

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.⁷
12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.
13. The National Planning Policy Framework constitutes guidance⁸ for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

6 Natural Environment White Paper, *The Natural Choice: Securing the Value of Nature*, 2011.

7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

8 A list of the documents revoked and replaced by this Framework is at Annex 3. Section 19(2)(a) of the Planning and Compulsory Purchase Act 2004 states, in relation to plan-making, that the local planning authority must have regard to national policies and advice contained in guidance issued by the Secretary of State.

14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

For **plan-making** this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.⁹

For **decision-taking** this means:¹⁰

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.⁹

15. Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

16. The application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;

⁹ For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

¹⁰ Unless material considerations indicate otherwise **Page 82**

- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and
- identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed.

Core planning principles

17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:
- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
 - not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
 - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
 - support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);

- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Delivering sustainable development

1. Building a strong, competitive economy

18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
20. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
21. Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:
 - set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;

- set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
 - support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;
 - plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;
 - identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and
 - facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.
22. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

2. Ensuring the vitality of town centres

23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:
- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
 - define a network and hierarchy of centres that is resilient to anticipated future economic changes;
 - define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
 - promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
 - retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
 - allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should

- therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
 - set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
 - recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
 - where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.
24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
25. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.
26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:
- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.
27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

3. Supporting a prosperous rural economy

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:
- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
 - promote the development and diversification of agricultural and other land-based rural businesses;
 - support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
 - promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

4. Promoting sustainable transport

29. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
30. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.
31. Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas. The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.
32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
33. When planning for ports, airports and airfields that are not subject to a separate national policy statement, plans should take account of their growth and role in serving business, leisure, training and emergency service needs. Plans should take account of this Framework as well as the principles set out in the relevant national policy statements and the Government Framework for UK Aviation.
34. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.
35. Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to
- accommodate the efficient delivery of goods and supplies;
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
 - incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
 - consider the needs of people with disabilities by all modes of transport.
36. A key tool to facilitate this will be a Travel Plan. All developments which generate significant amounts of movement should be required to provide a Travel Plan.
37. Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.
38. For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

39. If setting local parking standards for residential and non-residential development, local planning authorities should take into account:
- the accessibility of the development;
 - the type, mix and use of development;
 - the availability of and opportunities for public transport;
 - local car ownership levels; and
 - an overall need to reduce the use of high-emission vehicles.
40. Local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles. They should set appropriate parking charges that do not undermine the vitality of town centres. Parking enforcement should be proportionate.
41. Local planning authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice.

5. Supporting high quality communications infrastructure

42. Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.
43. In preparing Local Plans, local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband. They should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
44. Local planning authorities should not impose a ban on new telecommunications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of telecommunications development or insist on minimum distances between new telecommunications development and existing development. They should ensure that:
- they have evidence to demonstrate that telecommunications infrastructure will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
 - they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services.

45. Applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:
- the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college or within a statutory safeguarding zone surrounding an aerodrome or technical site; and
 - for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection guidelines; or
 - for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.
46. Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

6. Delivering a wide choice of high quality homes

47. To boost significantly the supply of housing, local planning authorities should:
- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
 - identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
 - identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

¹¹ To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

¹² To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and can be developed at the point envisaged.

- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
 - set out their own approach to housing density to reflect local circumstances.
48. Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.
49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
 - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
 - where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.
51. Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.
52. The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities.

Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development. In doing so, they should consider whether it is appropriate to establish Green Belt around or adjoining any such new development.

53. Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
54. In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.
55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:
 - the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
 - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

7. Requiring good design

56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - are visually attractive as a result of good architecture and appropriate landscaping.
59. Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.
60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
62. Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design.

They should also when appropriate refer major projects for a national design review.¹³ In general, early engagement on design produces the greatest benefits. In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
65. Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).
66. Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
67. Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
68. Where an area justifies a degree of special protection on the grounds of amenity, an Area of Special Control Order¹⁴ may be approved. Before formally proposing an Area of Special Control, the local planning authority is expected to consult local trade and amenity organisations about the proposal. Before a direction to remove deemed planning consent is made for specific advertisements,¹⁵ local planning authorities will be expected to demonstrate that the direction would improve visual amenity and there is no other way of effectively controlling the display of that particular class of advertisement. The comments of organisations, and individuals, whose interests would be affected by the direction should be sought as part of the process.

13 Currently provided by Design Council Cobe.

14 Regulation 20, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

15 Regulation 7, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

8. Promoting healthy communities

69. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote:

- opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;
- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

70. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

71. Local planning authorities should take a positive and collaborative approach to enable development to be brought forward under a Community Right to Build Order, including working with communities to identify and resolve key issues before applications are submitted.

72. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and

- work with schools promoters to identify and resolve key planning issues before applications are submitted.
73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
75. Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.
77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:
- where the green space is in reasonably close proximity to the community it serves;
 - where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - where the green area concerned is local in character and is not an extensive tract of land.

78. Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.

9. Protecting Green Belt land

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
80. Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
81. Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
82. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. If proposing a new Green Belt, local planning authorities should:
- demonstrate why normal planning and development management policies would not be adequate;
 - set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
 - show what the consequences of the proposal would be for sustainable development;
 - demonstrate the necessity for the Green Belt and its consistency with Local Plans for adjoining areas; and
 - show how the Green Belt would meet the other objectives of the Framework.
83. Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green

Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

84. When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.
85. When defining boundaries, local planning authorities should:
- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
 - not include land which it is unnecessary to keep permanently open;
 - where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
 - satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
 - define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.
86. If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.
87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
- buildings for agriculture and forestry;

- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
90. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:
- mineral extraction;
 - engineering operations;
 - local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - the re-use of buildings provided that the buildings are of permanent and substantial construction; and
 - development brought forward under a Community Right to Build Order.
91. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
92. Community Forests offer valuable opportunities for improving the environment around towns, by upgrading the landscape and providing for recreation and wildlife. An approved Community Forest plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within Community Forests in the Green Belt should be subject to the normal policies controlling development in Green Belts.

10. Meeting the challenge of climate change, flooding and coastal change

93. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable

and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

94. Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change,¹⁶ taking full account of flood risk, coastal change and water supply and demand considerations.
95. To support the move to a low carbon future, local planning authorities should:
- plan for new development in locations and ways which reduce greenhouse gas emissions;
 - actively support energy efficiency improvements to existing buildings; and
 - when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.
96. In determining planning applications, local planning authorities should expect new development to:
- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
97. To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:
- have a positive strategy to promote energy from renewable and low carbon sources;
 - design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
 - consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;¹⁷
 - support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and

¹⁶ In line with the objectives and provisions of the Climate Change Act 2008.

¹⁷ In assessing the likely impacts of potential wind energy development when identifying suitable areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts). Where plans identify areas as suitable for renewable and low-carbon energy development, they should make clear what criteria have determined their selection, including for what size of development the area is considered suitable.

- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.
98. When determining planning applications, local planning authorities should:
- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - approve the application¹⁸ if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
99. Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.
100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.¹⁹ Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:
- applying the Sequential Test;
 - if necessary, applying the Exception Test;
 - safeguarding land from development that is required for current and future flood management;
 - using opportunities offered by new development to reduce the causes and impacts of flooding; and
 - where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking

¹⁸ Unless material considerations indicate otherwise.

¹⁹ Technical guidance on flood risk published alongside the Framework sets out how this policy should be implemented.

opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

101. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.
102. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:
- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
 - a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted.

103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment²⁰ following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.²¹
104. For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test. Applications for minor development and changes of use should not be

²⁰ A site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding.

²¹ The Floods and Water Management Act 2010 establishes a Sustainable Drainage Systems Approving Body in unitary or county councils. This body must approve drainage systems in new developments and re-developments before construction begins.

subject to the Sequential or Exception Tests²² but should still meet the requirements for site-specific flood risk assessments.

105. In coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes.
106. Local planning authorities should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:
 - be clear as to what development will be appropriate in such areas and in what circumstances; and
 - make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.
107. When assessing applications, authorities should consider development in a Coastal Change Management Area appropriate where it is demonstrated that:
 - it will be safe over its planned lifetime and will not have an unacceptable impact on coastal change;
 - the character of the coast including designations is not compromised;
 - the development provides wider sustainability benefits; and
 - the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.²³
108. Local planning authorities should also ensure appropriate development in a Coastal Change Management Area is not impacted by coastal change by limiting the planned life-time of the proposed development through temporary permission and restoration conditions where necessary to reduce the risk to people and the development.

11. Conserving and enhancing the natural environment

109. The planning system should contribute to and enhance the natural and local environment by:
 - protecting and enhancing valued landscapes, geological conservation interests and soils;
 - recognising the wider benefits of ecosystem services;
 - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the

²² Except for any proposal involving a change of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the Sequential and Exception Tests should be applied as appropriate.

²³ As required by the Marine and Coastal Access Act 2009.

- overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
 - remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
110. In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.
111. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.
112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
113. Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites,²⁴ so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.
114. Local planning authorities should:
- set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and
 - maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.
115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important

²⁴ Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

considerations in all these areas, and should be given great weight in National Parks and the Broads.²⁵

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
117. To minimise impacts on biodiversity and geodiversity, planning policies should:
- plan for biodiversity at a landscape-scale across local authority boundaries;
 - identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;
 - promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;
 - aim to prevent harm to geological conservation interests; and
 - where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas.
118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made

²⁵ English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.

where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites;²⁶ and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

119. The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

121. Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

²⁶ Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

- adequate site investigation information, prepared by a competent person, is presented.
122. In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
123. Planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts²⁷ on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts²⁷ on health and quality of life arising from noise from new development, including through the use of conditions;
 - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;²⁸ and
 - identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
124. Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.
125. By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

27 See Explanatory Note to the Noise Policy Statement for England (Department for the Environment, Food and Rural Affairs).

28 Subject to the provisions of the Environmental Protection Act 1990 and other relevant law.

12. Conserving and enhancing the historic environment

126. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment,²⁹ including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment to the character of a place.
127. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.
128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
130. Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

²⁹ The principles and policies set out in this section apply to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-taking.

131. In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

136. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
137. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
138. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
139. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.
140. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
141. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.³⁰ However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

13. Facilitating the sustainable use of minerals

142. Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.
143. In preparing Local Plans, local planning authorities should:

³⁰ Copies of evidence should be deposited with the relevant Historic Environment Record, and any archives with a local museum or other public depository.

- identify and include policies for extraction of mineral resource of local and national importance in their area, but should not identify new sites or extensions to existing sites for peat extraction;
- so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
- define Minerals Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked; and define Minerals Consultation Areas based on these Minerals Safeguarding Areas;
- safeguard:
 - existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials; and
 - existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.
- set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place;
- set out environmental criteria, in line with the policies in this Framework, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, tip- and quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;
- when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and
- put in place policies to ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation.

144. When determining planning applications, local planning authorities should:

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;
- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source,³¹ and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- not grant planning permission for peat extraction from new or extended sites;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
- consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

145. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- participating in the operation of an Aggregate Working Party and taking the advice of that Party into account when preparing their Local Aggregate Assessment;

- making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;
- taking account of published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites;
- ensuring that large landbanks bound up in very few sites do not stifle competition; and
- calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

146. Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:

- co-operating with neighbouring and more distant authorities to co-ordinate the planning of industrial minerals to ensure adequate provision is made to support their likely use in industrial and manufacturing processes;
- encouraging safeguarding or stockpiling so that important minerals remain available for use;
- providing a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment, as follows:
 - at least 10 years for individual silica sand sites;
 - at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and
 - at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.
- taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.

147. Minerals planning authorities should also:

- when planning for on-shore oil and gas development, including unconventional hydrocarbons, clearly distinguish between the three phases of development (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production;
- encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;
- indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;
- encourage capture and use of methane from coal mines in active and abandoned coalfield areas; and
- provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.

148. When determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.

149. Permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.

Plan-making

Local Plans

150. Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.³²
151. Local Plans must be prepared with the objective of contributing to the achievement of sustainable development.³³ To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.
152. Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.
153. Each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances. Any additional development plan documents should only be used where clearly justified. Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.
154. Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change. Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.
155. Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made.
156. Local planning authorities should set out the **strategic priorities** for the area in the Local Plan. This should include strategic policies to deliver:
- the homes and jobs needed in the area;

³² Section 38(6) of the Planning and Compulsory Purchase Act 2004.

³³ Under section 39(2) of the Planning and Compulsory Purchase Act 2004 a local authority exercising their plan making functions must do so with the objective of contributing to the achievement of sustainable development.

- the provision of retail, leisure and other commercial development;
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

157. Crucially, Local Plans should:

- plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework;
- be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date;
- be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations;
- indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map;
- allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;
- identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a clear explanation;
- identify land where development would be inappropriate, for instance because of its environmental or historic significance; and
- contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified.

Using a proportionate evidence base

158. Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.

Housing

159. Local planning authorities should have a clear understanding of housing needs in their area. They should:

- prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment

should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:

- meets household and population projections, taking account of migration and demographic change;
 - addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);³⁴ and
 - caters for housing demand and the scale of housing supply necessary to meet this demand;
- prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

Business

160. Local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area. To achieve this, they should:

- work together with county and neighbouring authorities and with Local Enterprise Partnerships to prepare and maintain a robust evidence base to understand both existing business needs and likely changes in the market; and
- work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability.

161. Local planning authorities should use this evidence base to assess:

- the needs for land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the plan period, including for retail and leisure development;
- the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs. Reviews of land available for economic development should be undertaken at the same time as, or combined with, Strategic Housing Land Availability Assessments and should include a reappraisal of the suitability of previously allocated land;
- the role and function of town centres and the relationship between them, including any trends in the performance of centres;
- the capacity of existing centres to accommodate new town centre development;
- locations of deprivation which may benefit from planned remedial action; and

³⁴ The planning policy for traveller sites sets out how traveller accommodation needs should also be assessed.

- the needs of the food production industry and any barriers to investment that planning can resolve.

Infrastructure

162. Local planning authorities should work with other authorities and providers to:

- assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; and
- take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.

Minerals

163. Minerals planning authorities should work with other relevant organisations to use the best available information to:

- develop and maintain an understanding of the extent and location of mineral resource in their areas; and
- assess the projected demand for their use, taking full account of opportunities to use materials from secondary and other sources which could provide suitable alternatives to primary materials.

Defence, national security, counter-terrorism and resilience

164. Local planning authorities should:

- work with the Ministry of Defence's Strategic Planning Team to ensure that they have and take into account the most up-to-date information about defence and security needs in their area; and
- work with local advisors and others to ensure that they have and take into account the most up-to-date information about higher risk sites in their area for malicious threats and natural hazards, including steps that can be taken to reduce vulnerability and increase resilience.

Environment

165. Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area including drawing, for example, from River Basin Management Plans. Working with Local Nature Partnerships where appropriate, this should include an assessment of existing and potential components of ecological networks. A sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

166. Local Plans may require a variety of other environmental assessments, including under the Habitats Regulations where there is a likely significant effect on a European wildlife site (which may not necessarily be within the same local authority area), Strategic Flood Risk Assessment and assessments of the physical constraints on land use.³⁵ Wherever possible, assessments should share the same evidence base and be

³⁵ Such as land instability, contamination and subsidence.

conducted over similar timescales, but local authorities should take care to ensure that the purposes and statutory requirements of different assessment processes are respected.

167. Assessments should be proportionate, and should not repeat policy assessment that has already been undertaken. Wherever possible the local planning authority should consider how the preparation of any assessment will contribute to the plan's evidence base. The process should be started early in the plan-making process and key stakeholders should be consulted in identifying the issues that the assessment must cover.
168. Shoreline Management Plans should inform the evidence base for planning in coastal areas. The prediction of future impacts should include the longer term nature and inherent uncertainty of coastal processes (including coastal landslip), and take account of climate change.

Historic environment

169. Local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment. They should also use it to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future. Local planning authorities should either maintain or have access to a historic environment record.
170. Where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character, and for areas where there are major expansion options assessments of landscape sensitivity.

Health and well-being

171. Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.

Public safety from major accidents

172. Planning policies should be based on up-to-date information on the location of major hazards and on the mitigation of the consequences of major accidents.

Ensuring viability and deliverability

173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

174. Local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. They should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Evidence supporting the assessment should be proportionate, using only appropriate available evidence.
175. Where practical, Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan. The Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place.
176. Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.
177. It is equally important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. To facilitate this, it is important that local planning authorities understand district-wide development costs at the time Local Plans are drawn up. For this reason, infrastructure and development policies should be planned at the same time, in the Local Plan. Any affordable housing or local standards requirements that may be applied to development should be assessed at the plan-making stage, where possible, and kept under review.

Planning strategically across local boundaries

178. Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the **strategic priorities** set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.
179. Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans.³⁶ Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework. As part of this process, they should consider producing joint

³⁶ In marine areas, local planning authorities should collaborate with the Marine Management Organisation to ensure that policies across the land/sea boundary are integrated.

planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.

180. Local planning authorities should take account of different geographic areas, including travel-to-work areas. In two tier areas, county and district authorities should cooperate with each other on relevant issues. Local planning authorities should work collaboratively on strategic planning priorities to enable delivery of sustainable development in consultation with Local Enterprise Partnerships and Local Nature Partnerships. Local planning authorities should also work collaboratively with private sector bodies, utility and infrastructure providers.
181. Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.

Examining Local Plans

182. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:
- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Neighbourhood plans

183. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:

- set planning policies through neighbourhood plans to determine decisions on planning applications; and
- grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.

184. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.
185. Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation.

Decision-taking

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.
187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Pre-application engagement and front loading

188. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
189. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications.
190. The more issues that can be resolved at pre-application stage, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.
191. The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.
192. The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations Assessment and Flood Risk Assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.

193. Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.
194. Local planning authorities should consult the appropriate bodies when planning, or determining applications, for development around major hazards.
195. Applicants and local planning authorities should consider the potential of entering into planning performance agreements, where this might achieve a faster and more effective application process.

Determining applications

196. The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan,³⁷ unless material considerations indicate otherwise.³⁸ This Framework is a material consideration in planning decisions.
197. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
198. Where a Neighbourhood Development Order has been made, a planning application is not required for development that is within the terms of the order. Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

Tailoring planning controls to local circumstances

199. Local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development, where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise.
200. The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities). Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.
201. Communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. Where such an order is in

³⁷ Section 38(1) of the Planning and Compulsory Purchase Act 2004: this includes adopted or approved development plan documents i.e. the Local Plan and neighbourhood plans which have been made in relation to the area (and the London Plan).

³⁸ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

place, no further planning permission is required for development which falls within its scope.

202. Neighbourhood Development Orders and Community Right to Build Orders require the support of the local community through a referendum. Therefore, local planning authorities should take a proactive and positive approach to proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination. Policies in this Framework that relate to decision-taking should be read as applying to the consideration of proposed Neighbourhood Development Orders, wherever this is appropriate given the context and relevant legislation.

Planning conditions and obligations

203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
204. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
205. Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.
206. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Enforcement

207. Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

Annex 1: Implementation

208. The policies in this Framework apply from the day of publication.
209. The National Planning Policy Framework aims to strengthen local decision making and reinforce the importance of up-to-date plans.
210. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
211. For the purposes of decision-taking, the policies in the Local Plan (and the London Plan) should not be considered out-of-date simply because they were adopted prior to the publication of this Framework.
212. However, the policies contained in this Framework are material considerations which local planning authorities should take into account from the day of its publication. The Framework must also be taken into account in the preparation of plans.
213. Plans may, therefore, need to be revised to take into account the policies in this Framework. This should be progressed as quickly as possible, either through a partial review or by preparing a new plan.
214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004³⁹ even if there is a limited degree of conflict with this Framework.
215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
216. From the day of publication, decision-takers may also give weight⁴⁰ to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
217. Advice will be available immediately and free of charge from a support service provided by the Local Government Association, the Planning

³⁹ In development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004 or published in the London Plan.

⁴⁰ Unless other material considerations indicate otherwise.

Inspectorate and the Department for Communities and Local Government. This will assist local planning authorities in considering the need to update their Local Plan and taking forward efficient and effective reviews.

218. Where it would be appropriate and assist the process of preparing or amending Local Plans, regional strategy⁴¹ policies can be reflected in Local Plans by undertaking a partial review focusing on the specific issues involved. Local planning authorities may also continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up-to-date, robust local evidence.
219. This Framework has been drafted to reflect the law following the implementation of the Localism Act 2011, so, where appropriate, policies will apply only when the relevant legislation is in force.

⁴¹ Regional strategies remain part of the development plan until they are abolished by Order using powers taken in the Localism Act. It is the government's clear policy intention to revoke the regional strategies outside of London, subject to the outcome of the environmental assessments that are currently being undertaken.

Annex 2: Glossary

Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.

Aged or veteran tree: A tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally.

Air Quality Management Areas: Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

Ancient woodland: An area that has been wooded continuously since at least 1600 AD.

Archaeological interest: There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.

Article 4 direction: A direction which withdraws automatic planning permission granted by the General Permitted Development Order.

Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.

Birds and Habitats Directives: European Directives to conserve natural habitats and wild fauna and flora.

Climate change adaptation: Adjustments to natural or human systems in response to actual or expected climatic factors or their effects, including from changes in rainfall and rising temperatures, which moderate harm or exploit beneficial opportunities. **Climate change mitigation:** Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

Coastal Change Management Area: An area identified in Local Plans as likely to be affected by coastal change (physical change to the shoreline through erosion, coastal landslip, permanent inundation or coastal accretion).

Conservation (for heritage policy): The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

Community Forest: An area identified through the England Community Forest Programme to revitalise countryside and green space in and around major conurbations.

Community Infrastructure Levy: A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area.

Community Right to Build Order: An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development.

Competent person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

Decentralised energy: Local renewable energy and local low-carbon energy usually but not always on a relatively small scale encompassing a diverse range of technologies.

Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Development plan: This includes adopted Local Plans, neighbourhood plans and the London Plan, and is defined in section 38 of the Planning and Compulsory Purchase Act 2004. (Regional strategies remain part of the development plan until they are abolished by Order using powers taken in the Localism Act. It is the government's clear policy intention to revoke the regional strategies outside of London, subject to the outcome of the environmental assessments that are currently being undertaken.)

Economic development: Development, including those within the B Use Classes, public and community uses and main town centre uses (but excluding housing development).

Ecological networks: These link sites of biodiversity importance.

Ecosystem services: The benefits people obtain from ecosystems such as, food, water, flood and disease control and recreation.

Edge of centre: For retail purposes, a location that is well connected and up to 300 metres of the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

Environmental Impact Assessment: A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment.

European site: This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas, and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2010.

Geodiversity: The range of rocks, minerals, fossils, soils and landforms.

Green infrastructure: A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

Heritage Coast: Areas of undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.

Historic environment: All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

Historic environment record: Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.

Inclusive design: Designing the built environment, including buildings and their surrounding spaces, to ensure that they can be accessed and used by everyone.

Instrumentation operated in the national interest: Includes meteorological and climate monitoring installations, satellite and radio communication, defence and national security sites and magnetic calibration facilities operated by or on behalf of the Government, delegated authorities or for defence purposes.

International, national and locally designated sites of importance for biodiversity: All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.

Local Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a specific development proposal or classes of development.

Local Enterprise Partnership: A body, designated by the Secretary of State for Communities and Local Government, established for the purpose of creating or improving the conditions for economic growth in an area.

Local Nature Partnership: A body, designated by the Secretary of State for Environment, Food and Rural Affairs, established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.

Local planning authority: The public authority whose duty it is to carry out specific planning functions for a particular area. All references to local planning authority apply to the district council, London borough council, county council, Broads Authority, National Park Authority and the Greater London Authority, to the extent appropriate to their responsibilities.

Local Plan: The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act.

Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Major Hazards: Major hazard installations and pipelines, licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.

Minerals of local and national importance: Minerals which are necessary to meet society's needs, including aggregates, brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands), cement raw materials, gypsum, salt, fluor spar, shallow and deep-mined coal, oil and gas (including hydrocarbons), tungsten, kaolin, ball clay, potash and local minerals of importance to heritage assets and local distinctiveness.

Mineral Safeguarding Area: An area designated by Minerals Planning Authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.

National Trails: Long distance routes for walking, cycling and horse riding.

Nature Improvement Areas: Inter-connected networks of wildlife habitats intended to re-establish thriving wildlife populations and help species respond to the challenges of climate change.

Neighbourhood Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) through which Parish Councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development.

Neighbourhood plans: A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area (made under the Planning and Compulsory Purchase Act 2004).

Older people: People over retirement age, including the active, newly-retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialised housing for those with support or care needs.

Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Original building: A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Out of centre: A location which is not in or on the edge of a centre but not necessarily outside the urban area.

Out of town: A location out of centre that is outside the existing urban area.

People with disabilities: People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs.

Planning condition: A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

Planning obligation: A legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.

Playing field: The whole of a site which encompasses at least one playing pitch as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010.

Pollution: Anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Primary shopping area: Defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage).

Primary and secondary frontages: Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses.

Priority habitats and species: Species and Habitats of Principle Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

Ramsar sites: Wetlands of international importance, designated under the 1971 Ramsar Convention.

Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

Rural exception sites: 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.

Safeguarding zone: An area defined in Circular 01/03: Safeguarding aerodromes, technical sites and military explosives storage areas, to safeguard such sites.

Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Shoreline Management Plans: A plan providing a large-scale assessment of the risk to people and to the developed, historic and natural environment associated with coastal processes.

Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

Special Areas of Conservation: Areas given special protection under the European Union's Habitats Directive, which is transposed into UK law by the Habitats and Conservation of Species Regulations 2010.

Special Protection Areas: Areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the Birds Directive.

Site investigation information: Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 (2001) Code of Practice for the Investigation of Potentially Contaminated Sites). The minimum information that should be provided by an applicant is the report of a desk study and site reconnaissance.

Site of Special Scientific Interest: Sites designated by Natural England under the Wildlife and Countryside Act 1981.

Stepping stones: Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.

Strategic Environmental Assessment: A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Supplementary planning documents: Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport.

Town centre: Area defined on the local authority's proposal map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in Local Plans, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.

Transport assessment: A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures will need to be taken to deal with the anticipated transport impacts of the development.

Transport statement: A simplified version of a transport assessment where it is agreed the transport issues arising out of development proposals are limited and a full transport assessment is not required.

Travel plan: A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed.

Wildlife corridor: Areas of habitat connecting wildlife populations.

Windfall sites: Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.

Annex 3: Documents replaced by this Framework

1. Planning Policy Statement: *Delivering Sustainable Development* (31 January 2005)
2. Planning Policy Statement: *Planning and Climate Change – Supplement to Planning Policy Statement 1* (17 December 2007)
3. Planning Policy Guidance 2: *Green Belts* (24 January 1995)
4. Planning Policy Statement 3: *Housing* (9 June 2011)
5. Planning Policy Statement 4: *Planning for Sustainable Economic Growth* (29 December 2009)
6. Planning Policy Statement 5: *Planning for the Historic Environment* (23 March 2010)
7. Planning Policy Statement 7: *Sustainable Development in Rural Areas* (3 August 2004)
8. Planning Policy Guidance 8: *Telecommunications* (23 August 2001)
9. Planning Policy Statement 9: *Biodiversity and Geological Conservation* (16 August 2005)
10. Planning Policy Statement 12: *Local Spatial Planning* (4 June 2008)
11. Planning Policy Guidance 13: *Transport* (3 January 2011)
12. Planning Policy Guidance 14: *Development on Unstable Land* (30 April 1990)
13. Planning Policy Guidance 17: *Planning for Open Space, Sport and Recreation* (24 July 2002)
14. Planning Policy Guidance 18: *Enforcing Planning Control* (20 December 1991)
15. Planning Policy Guidance 19: *Outdoor Advertisement Control* (23 March 1992)
16. Planning Policy Guidance 20: *Coastal Planning* (1 October 1992)
17. Planning Policy Statement 22: *Renewable Energy* (10 August 2004)
18. Planning Policy Statement 23: *Planning and Pollution Control* (3 November 2004)
19. Planning Policy Guidance 24: *Planning and Noise* (3 October 1994)
20. Planning Policy Statement 25: *Development and Flood Risk* (29 March 2010)
21. Planning Policy Statement 25 Supplement: *Development and Coastal Change* (9 March 2010)
22. Minerals Policy Statement 1: *Planning and Minerals* (13 November 2006)
23. Minerals Policy Statement 2: *Controlling and Mitigating the Environmental Effects of Minerals Extraction In England*. This includes its Annex 1: *Dust* and Annex 2: *Noise* (23 March 2005 - Annex 1: 23 March 2005 and Annex 2: 23 May 2005)
24. Minerals Planning Guidance 2: *Applications, permissions and conditions* (10 July 1998)
25. Minerals Planning Guidance 3: *Coal Mining and Colliery Spoil Disposal* (30 March 1999)
26. Minerals Planning Guidance 5: *Stability in surface mineral workings and tips* (28 January 2000)
27. Minerals Planning Guidance 7: *Reclamation of minerals workings* (29 November 1996)

28. Minerals Planning Guidance 10: *Provision of raw material for the cement industry* (20 November 1991)
29. Minerals Planning Guidance 13: *Guidance for peat provision in England* (13 July 1995)
30. Minerals Planning Guidance 15: *Provision of silica sand in England* (23 September 1996)
31. Circular 05/2005: *Planning Obligations* (18 July 2005)
32. Government Office London Circular 1/2008: *Strategic Planning in London* (4 April 2008)
33. Letter to Chief Planning Officers: *Town and Country Planning (Electronic Communications) (England) Order 2003* (2 April 2003)
34. Letter to Chief Planning Officers: *Planning Obligations and Planning Registers* (3 April 2002)
35. Letter to Chief Planning Officers: *Model Planning Conditions for development on land affected by contamination* (30 May 2008)
36. Letter to Chief Planning Officers: *Planning for Housing and Economic Recovery* (12 May 2009)
37. Letter to Chief Planning Officers: *Development and Flood Risk – Update to the Practice Guide to Planning Policy Statement 25* (14 December 2009)
38. Letter to Chief Planning Officers: *Implementation of Planning Policy Statement 25 (PPS25) – Development and Flood Risk* (7 May 2009)
39. Letter to Chief Planning Officers: *The Planning Bill – delivering well designed homes and high quality places* (23 February 2009)
40. Letter to Chief Planning Officers: *Planning and Climate Change – Update* (20 January 2009)
41. Letter to Chief Planning Officers: *New powers for local authorities to stop ‘garden-grabbing’* (15 June 2010)
42. Letter to Chief Planning Officer: *Area Based Grant: Climate Change New Burdens* (14 January 2010)
43. Letter to Chief Planning Officers: *The Localism Bill* (15 December 2010)
44. Letter to Chief Planning Officers: *Planning policy on residential parking standards, parking charges, and electric vehicle charging infrastructure* (14 January 2011)

This page is intentionally left blank

Cherwell District Council

Overview and Scrutiny Committee

13 October 2015

Work Programme 2015/16

Report of Head of Law and Governance

This report is public

Purpose of report

This report presents the Overview and Scrutiny Committee work programme 2015/16 for consideration.

1.0 Recommendations

The meeting is recommended:

- 1.1 To consider the Overview and Scrutiny Committee Work Programme 2015/16 as set out at Appendix 1 of the report.
- 1.2 To reschedule items relating to review of local plan process and Wind Turbines and their locations, and the application of the fracturing mining technique
- 1.3 To appoint a representative to the Graven Hill Partnering Board, as requested by Executive
- 1.4 To note any items of interest in the Executive Work Programme and consider whether to include them on the Overview and Scrutiny Committee Work Programme 2015/16.
- 1.5 To consider if there are any other items Members would like to include on the Overview and Scrutiny Committee Work Programme.

2.0 Introduction

- 2.1 The work programme report identifies the topics and issues under consideration by the Overview and Scrutiny Committee and allows an opportunity for additional subjects to be identified and included on the programme.

3.0 Report Details

Overview and Scrutiny Work Programme

- 3.1 The Overview and Scrutiny Committee Work Programme 2015/16 is attached at appendix 1.
- 3.2 Each future agenda item includes an overview of the item and reason for consideration by the Committee.
- 3.3 Members had been due to consider items from the Head of Strategic Planning and the Economy relating to review of local plan process, and Wind Turbines and their locations, and the application of the fracturing mining technique. These items have had to be delayed, and the Committee is requested to consider which meetings they are rescheduled for.

Service Plan Review

- 3.4 Every year the Committee selects a service plan to review at a special, informal meeting to which all Members are invited. Last year the Committee looked at Waste Collection and Street Cleansing.
- 3.5 The Committee is asked to start giving consideration to which service plan it would like to review with a view to making a decision at the next meeting in November. The Quarter 2 Performance Monitoring and Customer Insight reports will be submitted to that meeting, which may inform the decision. It is anticipated that the service plan review meeting will be held in late January/early February.

Graven Hill Partnering Board

- 3.6 As reported at the last meeting of the Committee, Executive considered a Graven Hill Update report at its September meeting, and approved the recommendation to appoint a Member of the Overview and Scrutiny Committee to the Graven Hill Partnering Board.
- 3.7 The Committee is therefore requested to appoint a representative.

Executive Work Programme

- 3.8 As part of the monthly work programme report, the Committee reviews the Executive Work Programme to consider whether there are any issues which they would wish to look at in more detail in advance of the Executive discussion and decision. To facilitate a thorough consideration of the topic the Committee will need to identify the Executive Work Programme items at an early stage of the decision making process.
- 3.9 The Executive Work Programme is updated and published monthly; an electronic copy is available on the council's website and all councillors are sent a prompt containing the website link. Members of the Committee are encouraged to review the Executive Work Programme outside the committee meetings and to contact the Chairman, Vice-Chairman or Democratic Services Officer if there is a topic that they wish to review.

- 3.10 The Committee will wish to note any items of interest in the current version of the Executive Work Programme and consider whether to include them on the Overview and Scrutiny Committee Work Programme for 2015/16.
- 3.11 At the time of writing this report, the current version of the Executive Work Programme is November 2015 to February 2016 and can be found at: www.cherwell.gov.uk

Update on current work programme items

Youth Engagement Review

- 3.12 The Youth Engagement Review working group will be asked to give a verbal update at the meeting.

Recycling Review

- 3.13 Following the overview given at the previous meeting by the Head of Environmental Services, on 5 October Executive considered a report on the strategic review of recycling. The report can be viewed via the following link [Executive Agenda for 5 October](#) (agenda item 9)
- 3.14 The Committee are requested to consider next steps for the Recycling Review in light of the report to Executive.

Future meetings Schedule

- 3.15 The future meetings of the Overview and Scrutiny Committee are listed below:

Overview and Scrutiny Committee	2015/16 24 November 2015, 6.30pm 12 January 2016, 6.30pm 23 February 2016, 6.30pm 5 April 2016, 6.30pm
--	--

4.0 Conclusion and Reasons for Recommendations

- 4.1 The recommendations as set out in the report are believed to be in the best interests of the Council.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To agree the recommendations as set out in the report.

Option 2: To amend the recommendations.

Option 3: Not to agree the recommendations.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising directly from this report. The report of the individual scrutiny reviews will address any specific legal issue.

Comments checked by:

Paul Sutton, Head of Finance and Procurement, 0300 003 0106,
paul.sutton@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 There are no legal implications arising directly from this report. The report of the individual scrutiny reviews will address any specific financial issues.

Comments checked by: James Doble, Democratic and Elections Manager,
01295 221587, james.doble@cherwellandsouthnorthants.gov.uk

Risk Management

- 7.3 If too many items are included on the work programme there is a risk that scrutiny agenda become overloaded. This undermines effective scrutiny because Members are unable to concentrate on the key issues and officer resources are over-stretched. It may be necessary to hold further meetings during the year if the risk of not achieving the work programme becomes apparent. The reports of the individual scrutiny reviews will address any specific risk issues.

Comments checked by: James Doble, Democratic and Elections Manager,
01295 221587, james.doble@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Wards Affected

Each scrutiny review will identify the wards affected.

Links to Corporate Plan and Policy Framework

Each Scrutiny Review will identify the relevant Corporate Plan and Policy framework links.

Lead Councillor

None

Document Information

Appendix No	Title
Appendix 1	Overview and Scrutiny Committee Work Programme 2015/16
Background Papers	
None	
Report Author	Emma Faulkner, Democratic and Elections Officer
Contact Information	Tel: 01327 322043 Email – emma.faulkner@cherwellandsouthnorthants.gov.uk

This page is intentionally left blank

Overview and Scrutiny Committee

Draft Work Programme - 2015/2016

(Updated: October 2015)

Item	Description	Reason for Consideration	Contact Officer	Further Action / Note
Date of Meeting – 24 November 2015				
Customer Insight Report Q1 and Q2 (November, 2015)	Regular review of customer insights feedback.	Monitoring by Committee. Date of next consideration – November 2015	Louise Tustian, Acting Corporate Performance and Insight Manager.	Leader to be invited to attend.
Performance Monitoring Quarter 2, 1 July to 30 September 2015	Regular review of performance	Monitoring by Committee ahead of consideration by Executive	Louise Tustian, Acting Corporate Performance and Insight Manager	N/A
Committee Work Plan	To review the work plan for the Municipal Year	Standing item	Emma Faulkner, Democratic and Elections Officer	N/A
Date of Meeting – 12 January 2016				
Draft Business Plan 2016/17	Consideration of key objectives and key deliverables for 2016/17	Annual review of draft business plan prior to consideration by Executive	Louise Tustian, Acting Corporate Performance and Insight Manager	N/A

Appendix 1

Item	Description	Reason for Consideration	Contact Officer	Further Action / Note
Committee Work Plan	To review the work plan for the Municipal Year	Standing item	Emma Faulkner, Democratic and Elections Officer	N/A
Date of Meeting – 23 February 2016				
Performance Monitoring Quarter 3, 1 October to 31 December 2015	Regular review of performance	Monitoring by Committee ahead of consideration by Executive	Louise Tustian, Acting Corporate Performance and Insight Manager	N/A
Committee Work Plan	To review the work plan for the Municipal Year	Standing item	Emma Faulkner, Democratic and Elections Officer	N/A
Date of Meeting – 5 April 2016				
Draft Overview and Scrutiny Committee Annual Report	To consider the draft Overview and Scrutiny Committee Annual Report prior to submission to Council	Constitutional requirement to submit an annual report to Council	Emma Faulkner, Democratic and Elections Officer	
Committee Work Plan	To review the work plan for the Municipal Year	Standing item	Emma Faulkner, Democratic and Elections Officer	N/A
Items to be scheduled				
Review of Local Plan Process	Upon completion of the Local Plan examination, to	Request from Cllr Woodcock (former OSC member) with	Adrian Colwell, Head of Strategic	Local Plan adopted at July Council meeting following Inspector's

Appendix 1

Item	Description	Reason for Consideration	Contact Officer	Further Action / Note
	review the process, and consider lessons learnt for future, similar projects.	support of Executive. Retained on work programme for 2015/16	Planning and the Economy (HSP&E).	report. October update: HSP&E has had to send apologies for October, Committee requested to reschedule
Wind Turbines and their locations, and the application of the fracturing mining technique	Review and development of policy regarding wind turbines and their locations, and the application of the fracturing ('Fracking') mining technique.	Committee decision – June 2014.	Adrian Colwell, Head of Strategic Planning and the Economy (HSP&E).	Local Plan to be submitted to July Council meeting following Inspector's report. This review should not take place until after the Local Plan is adopted. October update: HSP&E has had to send apologies for October, Committee requested to reschedule
Business Plans/Service Plans 2016/17 - informal meeting	To review a service plan	Annual review by Committee of specific Service area for detailed scrutiny at special meeting. All Members invited to attend.	To be identified once service plan selected.	Date of informal meeting to be arranged
Update on joint working	To receive updates on joint working	Committee request – June 2015	Sue Smith, Chief Executive	
Safer Communities Strategy	Cherwell Safer Communities Partnership will be reviewing the Safer Communities Strategy in 2015/16	Committee request arising June 2015	To be identified	To be considered at the appropriate time
Items retained on Work Programme for update via Briefing Notes				

Appendix 1

Item	Description	Reason for Consideration	Contact Officer	Further Action / Note
Joint Cherwell District Council / South Northamptonshire Council Travel Plan (2016)	Review of joint Travel Plan which aims to change to the way people travel to their place of work.	Review by both CDC and SNC Scrutiny Committees – November 2014 Update: TBC	Adrian Colwell, Head of Strategic Planning and the Economy. David Allen, Lead Officer Transport Policy (SNC).	Following initial consideration, further information to be submitted to future meeting regarding conference calling during 2015, and comparison information in respect of the number of staff journeys between CDC and SNC.