

EXECUTIVE

Date:	Wednesday 17th January, 2024
Time:	12.30 pm
Venue:	Mandela Room

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes - Executive - 20 December 2023 3 - 18

MAYOR AND EXECUTIVE MEMBER FOR ADULT SOCIAL CARE AND PUBLIC HEALTH

4. First Quarterly Report of the Middlesbrough Independent Improvement Advisory Board 19 - 30
5. 2024-25 Budget and MTFP – Application for Exceptional Financial Support 31 - 44
6. Levelling Up Partnership
Verbal update.

EXECUTIVE MEMBER FOR ENVIRONMENT

7. Tree Policy 45 - 62

EXECUTIVE MEMBER FOR FINANCE AND GOVERNANCE

8. CTR Scheme 2024-25 63 - 160

EXECUTIVE MEMBER FOR REGENERATION

9. Draft Local Plan 161 - 358
10. Newham Hall - Disposal Options Update - PART A 359 - 386
11. Any other urgent items which in the opinion of the Chair, may be considered.

12. Exclusion of Press and Public

To consider passing a Resolution Pursuant to Section 100A (4) Part 1 of the Local Government Act 1972 excluding the press and public from the meeting during consideration of the following items on the grounds that if present there would be disclosure to them of exempt information falling within paragraph 3, of Part 1 of Schedule 12A of the Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

13. **Newham Hall - Disposal Option Update - PART B**

387 - 404

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Tuesday 9 January 2024

MEMBERSHIP

Mayor C Cooke - Elected Mayor (Chair) Councillors P Gavigan, T Furness, P Storey, J Thompson, Z Uddin and N Walker

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Chris Lunn / Scott Bonner, 01642 729742 / 01642 729708, chris_lunn@middlesbrough.gov.uk / scott_bonner@middlesbrough.gov.uk

EXECUTIVE

A meeting of the Executive was held on Wednesday 20 December 2023.

PRESENT: Mayor C Cooke (Chair) Councillors P Gavigan, T Furness, P Storey, J Thompson, Z Uddin and N Walker

PRESENT BY INVITATION: Councillors M Storey (Chair of the Overview and Scrutiny Board)

ALSO IN ATTENDANCE: Councillors D Coupe, T Livingstone, M McClintock and M Smiles

OFFICERS: M Adams, D Alaszewski, C Benjamin, S Bonner, P Brewer, G Field, C Heaphy, R Horniman, A Hoy, D Middleton, E Scollay and J Tynan

APOLOGIES FOR ABSENCE: None.

23/37 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

23/38 **MINUTES - EXECUTIVE - 21 NOVEMBER 2023**

The Executive Member for Regeneration sought an amendment to Minute number 23/34. It was clarified that should the Viewley Centre be sold as part of the asset review a further decision on that sale would be brought back to Executive for consideration.

With the above clarification the minutes of the Executive meeting held on 15 Minutes 2023 were submitted and approved as a correct record.

SUSPENSION OF COUNCIL PROCEDURE RULE NO. 4.13.2 – ORDER OF BUSINESS

In accordance with Council Procedure Rule No. 4.57, Executive agreed to vary the order of business to deal with the items in the following order: 5,6,9,12,8,13,4,7,10,11,14,15,16,17,18.

23/39 **PUBLIC HEALTH STRATEGY AND GRANT ALLOCATION**

The Mayor and Executive Member for Adult Social Care and Public Health submitted a report for Executive's consideration.

The report sought an endorsement of the Public Health Strategy as well decisions around the proposed allocation of the public health grant to wider council service areas, which included the implementation of governance arrangements and directorate Service Level Agreements. The report also sought to provide assurance that the grant allocations delivered public health outcomes as well as seeking approval of the ongoing financial rigour in the allocation of the public health grant to wider council services on an annual basis.

In common with all other local authorities, Middlesbrough Council received an annual public health grant allocation from the Department of Health and Social Care (DHSC). The public health allocation for 2023/4 was £18.309m. The public health grant was ringfenced, meaning it could only be applied where the main and primary purpose was the delivery of public health outcomes. The public health grant conditions set out a combination of prescribed and non-prescribed public health activity against which the use of the public health grant was to be reported.

On average, people in Middlesbrough were less healthy than those in other parts of the North East and compared to the England average. Middlesbrough's communities had wide ranging health and wellbeing needs which varied significantly between different groups of the population and geographically across the town.

ORDERED that Executive:

1. **Endorse the Public Health Strategy.**
2. **Approve the proposed allocation (as set out in table 1, paragraph 13 of the report) of the public health grant to wider council services and the implementation of the governance arrangements (including directorate Service Level Agreements) to provide assurance that the grant allocations deliver public health outcomes.**
3. **Approve the ongoing financial rigour of the allocation of the public health grant to wider council services, reviewed on an annual basis.**

OPTIONS

There were no other options put forward as part of the report as failure to comply would put Middlesbrough Council at significant financial and reputational risk.

REASONS

The Public Health Strategy outlined the key priorities for public health over the next three years giving clarity to the public health outcomes that would be delivered through the programme approach and through whole council action.

To support delivery of the Public Health Strategy, the Council received a ring-fenced public health grant which could only be used where the main and primary purpose was public health.

Middlesbrough Council was required to produce an annual Statement of Assurance, which demonstrated that the public health grant had only been applied to eligible expenditure in line with the legislative requirements of its intended purposes and as set out in the grant determination letter.

Without robust arrangements in place as outlined in the report, there was a significant risk to non-compliant use of the public health grant. Failure to comply with the grant conditions or provision of the requisite level of assurance to the Secretary of State could result in the grant payments being reduced, suspended, or withheld. Repayment of whole or part of the grant monies paid may also have been required, which would have a significant impact on the overall financial position and reputation of the Council.

23/40

SOUTH TEES CHANGING FUTURES PROGRAMME - EXTENDED FUNDING

The Mayor and Executive Member for Adult Social Care and Public Health submitted a report for Executive's consideration.

The purpose of the report was to seek approval for Middlesbrough to accept 'boost funding' to enable the continuation, as lead organisation, for the South Tees Changing Futures Programme for the period of one additional year – from April 2024 – March 2025.

Following Executive's approval to bid for funding, Middlesbrough were awarded £3.1m via the following funding bodies: the Department for Levelling Up Communities and Housing (DLUHC) and the National Lottery Community Fund (NLCF), for the South Tees Changing Futures (STCF) programme in 2021.

This programme supported adults experiencing multiple disadvantages in both Middlesbrough Council and Redcar & Cleveland Borough Council areas. Further roll of out funding had become available, which the South Tees Changing Futures programme had successfully been awarded. A funding amount of £0.850m from April 2024 – March 2025 would be awarded.

There would be additional activities that could be undertaken with the boost funding, some of which would be above the procurement threshold for direct award. These were detailed in the report.

It was queried if a similar process would be carried out in Redcar and Cleveland. It was clarified the process described in the report only applied to Middlesbrough.

ORDERED that Executive:

1. Accept the boost funding.
2. Approve that Middlesbrough Council continued as lead organisation of the Changing Futures South Tees Programme.
3. Approve Middlesbrough Council accept and hold monies, regarding South Tees Changing Futures Programme Boost Funding.
4. Delegate the allocation of monies for activities required to deliver the programme and management of associated procurement processes to the Director of Public Health, as advised by the South Tees Changing Futures Board, for the allocated period of April 2024-March 2025.

OPTIONS

Middlesbrough Council were the lead organisation for this programme and this request was to both continue the status of Middlesbrough Council being lead organisation and to accept the boost funding.

An alternative option would have been to not accept the funding and let the programme end – this would deny South Tees the opportunity for continued investment and ongoing improvement to benefit some of Middlesbrough's most vulnerable residents, therefore, it is not deemed to be a worthy option.

A further option would have been to drastically alter the STCF workstreams, potentially making them much smaller in scope. This was not considered to be feasible as a network of support and relationships had been developed since the STCF programme was implemented in 2021. The application for extended/boost funding was based on the continuation of the existing programme. To deviate significantly from the current workstream would have likely impacted the award of these funds and would not be a suitable recommendation.

The final alternative would have been for Redcar and Cleveland Borough Council (RCBC) to take on the role of lead organisation for STCF - given that Middlesbrough Council has been the lead organisation since the outset of the programme. RCBC assuming that responsibility would have risked disruption and delay to the objectives that we have been provided funding to deliver.

Part of the proposed plan included a procurement process of two projects. These were to be procured and implemented ready for the funding commitment period, April 1st 2024 – March 31st 2025. Delayed funds could have impacted negatively, and implementation of service in a timely manner. This could have delayed/lowered service provision and restricted opportunity to improve the lives of those with multiple disadvantages.

REASONS

Since successfully attaining Changing Futures area status in 2021, an opportunity had arisen to extend the programme and further invest into the community and services, for those with complex multiple disadvantages. The additional funding enabled Changing Futures more time to make a positive impact for those experiencing these challenges, particularly in the current climate where demand on services is at an all-time high. It provided the opportunity to extend the programme management function, and key workstreams for the year 2024/25.

Being provided additional time to continue working with partner organisations and stakeholders created better chances for the longevity of Changing Futures and to sustain new ways past the programme end date. It also demonstrated the confidence of DLUHC and National Lottery Community Fund in the approach so far and facilitated ongoing conversations about future needs.

Accepting this funding would not only help those with multiple disadvantages, continued involvement in the Changing Futures Programme would give Middlesbrough (and South Tees) a further opportunity for ongoing research and evaluation of the

programme, strengthening relationships with DLUCH and the National Lottery Community Fund and potentially increased the likelihood of further funding and support.

Additional activities would need to be undertaken to build on work undertaken to date and to address gaps identified in research, such as the A Way Out report on women facing multiple disadvantages – see Appendix 2. These activities would require procurement processes to be undertaken. The STCF team would work with corporate commissioning and procurement colleagues to ensure that the appropriate policies and procedures were followed for all such activities.

23/41

SHIFT PARTNERSHIP PROPOSAL

The Executive Member for Children's Services submitted a report for Executive's consideration.

The report sought approval of a new three-year partnership with SHiFT, a youth justice charity, that would create a new SHiFT Practice hosted by Children's Services within the Council. The Practice would work intensively across two, 18-month Programmes with children and young people caught up in, or at highest risk of, cycles of crime and exploitation. The costs of the partnership were supported by the sum of £600,000 which SHiFT has secured from the Department for Levelling Up, Housing & Communities, alongside the match funding of £556,347 investment from the Council.

The report described that despite the best efforts of dedicated professionals, many young people and their families did not get the support they needed to move to a place of safety and strength. Too often, current responses to harm and offending exacerbated crisis, compounded disadvantage, and deepened harmful cycles. Services and systems were experienced as piecemeal and uncoordinated, with artificial thresholds that created damaging cracks, gaps, and cliff edges. The system had been designed through the lens of disconnected problems rather than the interconnected needs of people and their communities.

ORDERED that Executive:

1. **Approve the partnership with SHiFT and the opportunity this presented to offer intensive multidisciplinary support for the most vulnerable children caught in cycles of crime and exploitation in the area.**
2. **Authorise receipt of grant funding to the Council from SHiFT sourced from the Department for Levelling Up, Housing and Communities totalling £600,000 over three years. Funding would be received on signature of a Partnership Agreement with SHiFT, the timeline for which was March/April 2024.**
3. **Approve match investment from the Council to enable the creation of the new SHiFT Practice totalling £556,347 over three years. This would be an approval in principle for inclusion in the 2024/25 to 2026/27 MTFP and to be funded as a transformation initiative from Flexible Use of Capital Receipts. The initiative will be included in the Flexible Use of Capital Receipts strategy which would be tabled for Council approval in February 2024.**

OPTIONS

As there were no other organisations which created partnerships with Local Authorities in the way envisaged, with grant funding available through the Department for Levelling Up, Housing and Communities no other options were put forward as part of the report.

REASONS

SHiFT was an innovative organisation, founded in 2019, with a track record for delivering exceptional outcomes that broke the destructive cycle of children caught up in, or at risk of, crime. The Department for Levelling Up, Housing and Communities supported and funded the national scale and spread of SHiFT. The Department brokered an introduction between SHiFT and Middlesbrough Council. The Department was keen for the area to receive support and funding from SHiFT to bolster efforts to improve outcomes for the area's children and young people, noting local challenges relating to Serious Youth Violence and the number and experiences of children in Local

Authority care.

SHiFT would offer 18 months of 1-1 intensive support for the 54 most vulnerable children and young people in Middlesbrough (up to the age of 25) over three years. The total cost of the partnership was £1.156m over three years. £600,000 of the sum needed would be provided by SHiFT with a match investment of £556,347 over the same period from the Council. Investment required from the Council amounted to approximately £11,000 per child for an 18-month Programme. This represented good value for money given the highly complex needs of this vulnerable group and the intensity and expertise of the work SHiFT would deliver. The current practitioners would be able to transfer the complex cases to SHiFT workers, providing them with greater capacity to work with more children and young people, and SHiFT support would be delivered at much lower cost to the Council because employment of SHiFT staff was substantially subsidised by grant funding. Further, SHiFT had an evidenced track record for delivering exceptional outcomes and in year cost savings and cost avoidance through, for example, reducing reliance on high-cost placements, avoiding children being remanded in custody, and supporting children to return to mainstream education from alternative provision. Specific targets for cost savings would be set with SHiFT and monitored on a quarterly basis through shared governance once the children for SHiFT support have been identified.

Estimated cost savings based on changes SHiFT had brought about elsewhere for each 18-month SHiFT Programme working with 27 children which were detailed in the table on page three of the report.

23/42

HOUSES IN MULTIPLE OCCUPATION ARTICLE 4 DIRECTION

The Executive Member for Regeneration submitted a report for Executive consideration.

The report sought Executive approval for the introduction of an Article 4 Direction to enable the Council to control the location and quality of new HMOs in Middlesbrough (except in the area covered by the Middlesbrough Development Corporation).

A house in multiple occupation (HMO) was defined as being a property occupied by at least three people who were not from one household (such as a family) but share facilities such as a bathroom and kitchen. Such properties were commonly known as house shares or bedsits.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (the 'GPDO') makes provision for granting planning permission for certain classes of development without the requirement for a planning application to be made.

Under the GPDO, a change of use from a house (which was in planning use class C3) to a large HMO of 7 or more people (which did not fall into any of the planning use classes) required planning permission. However, change of use from a house to a small HMO of between three and six people (which was in planning use class C4), was classed a permitted development and did not require planning permission. This meant that the Council could not currently exercise any planning control over small HMOs.

Since 1 October 2018 all HMOs of five or more people had also been subject to mandatory licensing. Licenses were valid for five years and properties were subject to an inspection during this period. If the Council received complaints regarding a property this will prompt a further inspection and enforcement action may be taken.

ORDERED that Executive agree to the making of a non-immediate Article 4 Direction to remove the permitted development right to change from a C3 dwelling to a C4 HMO in Middlesbrough (except in the area covered by the Middlesbrough Development Corporation).

OPTIONS

1. **Not to introduce an Article 4 direction.** This was rejected as it would have meant the Council had little control or influence on the establishment of new HMOs, and it was not considered in the best interests of ensuring the delivery of good quality affordable housing for all.

2. To introduce the Article 4 Direction immediately. This was rejected as it would have opened the Council up to challenge and potential compensation claims. In addition, it would not have allowed for the effective consultation and engagement on the introduction of an interim policy to guide new HMO development.

REASONS

The introduction of an Article 4 Direction would enable the Council to control the location and quality of new HMOs. This would help deliver the Council aspiration of providing high quality, affordable housing for all.

23/43

SELECTIVE LANDLORD LICENSING: EVALUATION OF NEWPORT 1 SCHEME AND APPROVAL TO CONSULT ON THE PROPOSAL FOR DESIGNATION FOR A FURTHER FIVE YEARS.

The Mayor and Executive Member for Adult Social Care and Public Health submitted a report for Executive's consideration.

The purpose of the report was to present the evaluation report for the Newport 1 Selective Landlord Licensing Scheme which came to an end on 12th June 2024. The report also sought approval to consult on the proposal for further designation of Newport 1 area as Selective Landlord licensing area and the proposed fee of £998.

Executive approval was required as the schemes were delivered via a legislative framework that required organisational approval to start formal consultation prior to implementation.

The Housing Act 2004, gave local authorities powers to introduce Selective Landlord Licensing (over a five year period) for privately rented properties in areas experiencing low housing demand and/or significant and persistent anti-social behaviour. The purpose of such a scheme was to improve standards of property management in the private rented sector, and when combined with other measures, should lead to improved physical, social and economic conditions.

ORDERED that Executive consider the Evaluation Report on the Newport 1 Selective Landlord Licensing Scheme and approve:

1. The commencement of appropriate consultation on the proposal to the designation of the selective landlord licensing scheme in the Newport 1 for a further five years.
2. The consultation to include the proposed fee of £998 for a 5-year licence to cover the cost of delivering the scheme in the designated area.
3. The results of the consultation be presented to Executive for consideration to determine whether or not to designate the area as a selective licensing area.

OPTIONS

Do not renew the SLL designation/new designations and carry out alternative interventions to replace of a formal scheme.

Alternatives to Selective Licensing were considered in 2014, 2019 and 2023 prior to the designation of the current Selective Licensing areas. These included voluntary registration and the use of traditional enforcement tools. These would have required significant additional investment by the Council to achieve any sustainable change across the area.

There was a need to ensure that proactive assessment of properties and an increased focus on renting and management practices was sustained. While Selective Landlord Licensing was not intended to be indefinite, a shift to an alternative non-regulatory approach or only relying on traditional reactive enforcement tools were not considered appropriate to sustain or progress the improvements achieved.

Traditional interventions did not provide the level of engagement with landlords necessary for the desired improvements. Landlord take up of previous accreditation

schemes had been very low, they tended to only engage with responsible landlords who saw a value in being part of a scheme. An example of a non-mandatory scheme is the Stockton Pluss model which was run by landlords. Stockton Council figures show that they had 80 members for this scheme with 539 properties and not all landlords who opposed their SLL scheme joined the accredited scheme.

Short term proactive enforcement projects could have an impact but were not sustainable without significant investment from existing revenue budgets or grant funding.

A pilot project undertaken in early 2023 to carry out proactive housing inspections in a selected area of Central ward found it very difficult to engage with landlords and tenants. This was detailed in the Evaluation report.

It was proposed that the recommended action was the most appropriate course to ensure a sustainable and cost-effective solution to improving management standards in the private rented sector in the designated area within Newport 1, and that a formal consultation was commenced.

REASONS

The SLL schemes in both North Ormesby and Newport 1 schemes had resulted in improvements in the living and environmental conditions for those living in those areas and contributed to reductions in antisocial behaviour. A further designation of Newport 1 Selective Landlord Licensing scheme would continue to ensure that property standards were maintained, anti-social behaviour issues related to tenants were reduced and managed and that landlords were held accountable for the costs of both licensing and the property management improvements. The existing SLL designation was self-financing and, in line with the recommended changes to the scheme, the new designation would work in the same way.

The designation would require all privately rented properties within the identified boundary, subject to statutory exemptions, to apply to be licensed for up to five years and comply with the licence conditions.

The proposed fee of £998 enabled the Council to ensure the scheme was self-financing, it was calculated on the staffing requirements for the administration and regulation of the selective landlord licensing scheme.

The current boundary for the SLL scheme was to be maintained to ensure complete coverage of the area in relation to improved housing standards, environmental conditions and reduction in crime and anti-social behaviour.

Prior to designating an area, the Council was required to undertake a minimum 10-week statutory consultation with local people, businesses, landlords and partners. Developing the designations and designation for Selective Licensing in the areas identified, enabled the Council to sustain the improvements already achieved in Newport 1 and prevent further decline in those areas.

In 2018 a Middlesbrough Council Scrutiny Panel reviewed the North Ormesby 1 scheme. The Panel were fully supportive of the scheme:

- They recognised the achievements made through SLL in the North Ormesby ward, including improving community confidence which has led to increased reporting of anti-social behaviour and crime to the SLL team.
- They were complimentary of the work achieved and applauded the Selective Licensing Team for their efforts.
- The Panel also learned that in November 2017, the team had been awarded Outstanding Contribution to Prevention at the Cleveland Community Safety Awards.

Throughout the investigation, the Panel made reference to the issues within Gresham and University wards and the increasing number of private rented housing properties. The Panel were of the opinion that the excellent work achieved since the introduction of

Selective Licensing in North Ormesby and hoped that any future schemes would mirror this model.

Consideration was being given to the next steps in terms of rolling out SLL to other areas of the town which met the criteria. A further report would be brought to Executive seeking approval for the next steps.

An internal audit was conducted during July-Sept 2023 which focused on the Selective Landlord Licensing Schemes currently operating in the areas of North Ormesby and Newport 1. The purpose of this audit was to provide assurance to management that procedures and controls within the system ensured that:

- **The scheme was well administered, and the financial model was fit for purpose.**
- **The performance of the project was monitored and the Council's objectives were met.**

Auditors concluded that:

- **The SLL Schemes were well administered, the financial model was fit for purpose, and that performance of each of the schemes was monitored to ensure that the Council's objectives were met.**
- **A sound system of governance, risk management and control existed, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.**
- **Their overall opinion of the controls within the system at the time of the audit was that they provided Substantial Assurance.**

The Statement of Policy and Procedure for Selective Landlord Licensing (SPPSLL) was published on the Council's website and clearly set out the requirements of the schemes, and was appropriately reviewed, updated, and approved. The aims and objectives of each of the schemes provided links to the Council's Strategic Plan and to the improvement of housing. The Selective Landlord Licensing (SLL) team worked in close partnership with other Council services and external agencies to maximise the benefits of the schemes.

23/44

MIDDLESBROUGH DEVELOPMENT COMPANY UPDATE

The Executive Member for Regeneration submitted a report for Executive approval.

The purpose of the report was to update Executive on the progress made in relation to the closure of the Middlesbrough Development Company and the revised timetable for the Members Voluntary Liquidation. The report also fulfilled the commitment to provide a quarterly report on the Company's operation, in line with the requirements of the Partly and Wholly Owned Council Companies policy and supporting minimum standards.

In September 2023 Executive were advised that the process to close the Middlesbrough Development Company was underway, and the process and timetable for this to happen were set out. The Middlesbrough Development Company Closure report set out that although all project activity had ceased, there were a number of contractual issues that would require further work, and upon completion of these a Members Voluntary Liquidation would be undertaken to close down the company. The timetable set out concluded with the company closing down by 31st December 2023.

The proposed process and timetable for the closure of the company was consistent with the actions identified against recommendations by the Council's external auditors in the Section 25 report presented to Council on 24th November 2023. A recommendation was also made that Executive would be provided with regular updates, and that any changes to the situation would be formally reported.

NOTED

OPTIONS

Other options for the final closure of the company had been examined, including the option to simply deregister the company. Although this option could be delivered more

cheaply (£15) it does not provide the appropriate assurance that all matters had been concluded satisfactorily and all risks have been managed.

REASONS

The contractual position regarding the two major developments undertaken by the company (and their inter-relationship) had necessitated a reformatting of the company board, and an extension to the timetable relating to the Members Voluntary Liquidation. The revised timetable was necessary to ensure that the risks associated with the closure of the company were minimised.

23/45

2023 RESIDENT'S SURVEY

The Mayor and Executive Member for Adult Social Care and Public Health submitted a report for Executive's consideration.

The purpose of the report was to summarise the findings from the 2023 Middlesbrough Community Survey, compare it to the 2017 Survey and set out proposed actions in response.

The Council's strategies and plans were required to be evidence based, if they were to effectively address the challenges facing Middlesbrough and maximising the opportunities.

As well as using data, those strategies and plans should also be informed by, and responsive to, the views of residents if they were to be fully inclusive and fully effective. The report advised Executive of the main findings from the 2023 Middlesbrough Community Survey, so they be considered within the Council Plan and the supporting policy and strategy framework.

The LG's standard question bank was used for the survey, with 18 broad question areas that captured views on the local area (within 15-20 minutes walking distance from home), community safety, and the Council and its services.

A total of 1,200 questionnaires were completed by telephone, supported by street interviews where required, providing a demographically representative sample of Middlesbrough's population. The sample was also balanced across the town so an indication of variation in responses by area could be provided. These were set out in the report.

NOTED

23/46

COUNCIL PLAN 2024 ONWARDS

The Mayor and Executive Member for Adult Social Care and Public Health submitted a report for Executive's consideration.

The report sought Executive endorsement, prior to consideration by full Council on 28 February 2024, of the Council Plan 2024-27. This was to ensure it remained current and reflective of major developments of the past year, and those anticipated in the coming three years.

The Council Plan, formerly known as the Strategic Plan, was the Council's overarching business plan for the medium-term, and was refreshed on an annual basis, setting out the priorities of the Elected Mayor of Middlesbrough, the ambitions for Middlesbrough's communities and the ways in which it sought to achieve them.

Part of the Council's Policy Framework, the Council Plan required the approval of full Council, as set out in the Constitution. The Council's Budget and Policy Framework Procedure Rules provided for the Executive to draw up firm proposals on the Strategic Plan (Change Strategy) for submission to Full Council.

Full Council approved the previous Strategic Plan 2021-2024 on 16 February 2021, which expressed the previous Mayors' priorities for the town.

Executive ENDORSED:

- 1. The proposed Council Plan 2024-27 and associated strategic aims, ambitions, and outcomes prior to full Council approval of the final Council Plan 2024-27**

and to enable development of detailed, supporting delivery plans.

2. Seeking feedback and input from partners and stakeholders to enable the further development of the Council Plan 2024-27, prior to full Council approval of the final Council Plan 2024-27 and alongside the final 2024/25 Budget and Medium-Term Financial Plan (MTFP) Update 2024/25 to 2026/27 report.

OPTIONS

It was imperative that the Council effectively articulated and communicated an overarching plan to direct activity across Directorates and services, towards the achievement of its priorities and ambitions.

The only other realistic potential decision would have been to leave the Council's strategic objectives unchanged on the assumption that they were sufficiently robust to address and achieve previously identified outcome measures. This, however, was not correct and neither would it have represented an appropriate response to the needs of the town, it would detrimentally impact local communities and the business of the Council for some years ahead.

The only other feasible decisions therefore related to the structure of the document, and its horizon (i.e., reverting to an annual plan). It was strongly in the Council's interest to plan over the medium-term, (between 3 – 5 years) in line with the indicative budgets over this period outlined by the Government. The proposed document achieved this whilst also providing an appropriate level of detail for all audiences on the Council's planned activity over this period.

REASONS

To enable the Executive to endorse, prior to consideration by full Council, the Council Plan 2024-27, ensuring that it is reflective of major developments of the past year, and those anticipated in the coming three years.

23/47

2024/25 BUDGET AND MTFP REFRESH

The Mayor and Executive Member for Finance and Governance submitted a report for Executive's consideration.

The report identified there was a legal requirement upon all members of the Council to set a balanced General Fund Budget for 2024/25 by 11 March 2024. In addition, it was a Best Value requirement to secure the financial recovery and return to financial sustainability of the Council through setting a balanced three-year MTFP over the period to 2026/27.

The report identified the Council's financial position remained critical, and it was necessary to identify, approve, and implement a range of budgetary control measures at significant scale to return to a financially sustainable position where the annual expenditure of the Council remained within its annual income over the medium term. Achieving financial sustainability was essential to enable the Council to succeed in delivering improved services and outcomes for the people of Middlesbrough in the medium to long term.

The risk of the s151 Officer being required to issue a s114 Notice, under s114(3) of the Local Government Finance Act 1988, remained were the Council be unable to set a legally balanced budget for 2024/25. The adverse consequences of issuing a section 114 notice were significant and were set out in more detail in paragraphs 4.132 to 4.135.

Middlesbrough Council continued to operate in a volatile and challenging economic and financial environment. Like many local authorities, the Council was experiencing significant financial challenges because of continuing high inflation, increasing demand, and complexity of need for services for the most vulnerable in the community, primarily adult and children's social care, home to school transport, homelessness, and waste disposal, for which it was required to meet its statutory responsibilities.

The Mayor described the Council's challenging financial position and his desire to mitigate cuts to frontline services where possible. It was clarified Executive was being asked to approve proposals for consultation, not to agree a budget as this would be approved by Council in February 2024.

It was commented officers were continuing to analyse the recent Local Government Settlement and Members stressed the need for the Council to avoid issuing a Section 114 notice.

Executive NOTED:

1. The updated General Fund Budget gap to be closed for 2024/25 of £6.279m rising to £8.180m in 2026/27 further to the Medium-Term Financial Plan (MTFP) refresh report considered by the Executive on 23 August 2023.
2. The national financial and economic context within which the Council was operating and the financial benchmarking which provided context for the range of Council services which presented some of the most significant financial pressures to be addressed in the Council's business and financial planning.
3. The updated budget assumptions set out in paragraph 4.67 of the report and the progress in developing proposals to balance the Council's General Fund Budget for 2024/25 and the updated MTFP position for the three-year period 2024/25 to 2026/27.

Executive ENDORSED the draft budget proposals including:

4. Total budget savings and income growth of £14.038m in 2024/25 rising to £21.088m in 2026/27, of which £3.949m in 2024/25 rising to £5.465m in 2026/27 were deemed to involve policy change and/or impact service delivery levels and would be subject to public consultation (detailed in Appendix 2)
5. Total budget growth of £2.219m in 2024/25 comprising:
 - Revision of 2023/24 approved savings of £1.114m in 2024/25 to reflect the Elected Mayor's priorities (detailed in Appendix 3)
 - Delayed savings of £1.105m (detailed in Appendix 4)
6. That Executive endorses the proposed total Council Tax increase of 4.99% for 2024/25 comprising:
 - 2.99% increase in general Council Tax and
 - 2% Adult Social Care Precept,

This was in line with the current maximum referendum limits announced by the Government.

7. That Executive endorses that where applicable, budget consultation would commence, on 21 December 2023 and conclude on 18 January 2024 prior to finalising the proposed budget on 14 February 2024 for consideration and approval by Council on 28 February 2024.

Executive NOTED:

8. A budget gap of £6.279m in 2024/25 rising to £8.180m in 2026/27 remained after the inclusion of all current budget proposals and the proposed council tax increase;
9. Further work was required to develop and agree final proposals to present to Council on 28 February 2024 to achieve a legally balanced budget for 2024/25 by the statutory deadline of 11 March 2024.
10. The Mayor and Executive were working with Officers and external consultants to develop a Transformation Programme that would deliver modernisation and redesign of services to operate from a significantly lower and financially sustainable cost base over the medium to long term.
11. Transformation Programme business cases must be robust, and adequately assured to enable their inclusion in the proposed 2024/25 budget that was to be considered and approved by Council on 28 February 2024.
12. The timeframe to achieve the required levels of assurance including consultation, was likely to extend beyond these applicable deadlines and would need subsequent consideration by the Executive and approval by Council during the 2024/25 financial year to revise the 2024/25 budget and MTFP.

Executive NOTED:

13. A further review of the budget and MTFP would be undertaken following consideration and analysis of the expected announcement for the Local Government Finance Settlement which was due on/around 19 December 2023.
14. If the combined effect of the Local Government Finance Settlement and any further identified and assured budget proposals were insufficient to close the remaining budget gap for 2024/25, then it would not be possible for the Council to achieve a legally balanced budget for 2024/25.
15. In these circumstances, the interim Director of Finance (s151 Officer), after appropriate consultation with the interim Chief Executive and Monitoring Officer, would be required by law to consider issuing a s114 Notice under s114 (3) of the Local Government Finance Act 1988.
16. Prior to issuing a s114 Notice the s151 Officer and Chief Executive with the support of the Mayor and Executive, would make an application to DLUHC for Exceptional Financial Support (EFS) by mid-January 2024. This was likely to be in the form of a capitalisation direction in respect of any remaining budget shortfall in 2024/25. This application would incorporate a draft plan for financial recovery over the medium term of which the developing of a Transformation Programme would be a key element.
17. If DLUHC refused the application for EFS or approved an amount less than the Council required to balance the 2024/25 budget, then it would be necessary for the s151 Officer to issue a s114 Notice under s114 (3) of the Local Government Finance Act 1988. The implications of issuing a s114 notice were set out in paragraphs 4.132 to 4.135 of the report.

Executive NOTED the updated financial position for 2023/24 at Period 7 to 31 October 2023 and the measures taken by the s151 Officer in order to mitigate the risk of a s114 Notice arising in 2023/24 as set out in paragraph 4.28 of the report.

OPTIONS

No other options were submitted as part of the report.

REASONS

The Council had a legal obligation to set a balanced budget by 11 March 2024 and a Best Value duty to demonstrate financial sustainability through a balanced Medium Term Financial Plan (MTFP). The setting of the budget was part of the budget and policy framework and therefore required Full Council approval.

The recommendations enabled the Council to progress towards meeting its statutory responsibility to set a balanced revenue budget in 2024/25 and the requirement to secure financial sustainability of the period of the MTFP.

The Council was required to take a systematic, coherent, and controlled approach to addressing its ongoing financial challenges over the medium-term, while enabling the delivery of the Mayor's vision and priorities for Middlesbrough through delivery of the wider Council Plan.

23/48

COUNCIL TAX BASE REPORT 2024-2025

The Executive Member for Finance and Governance submitted a report for Executive's consideration.

The report was part of the process to set the council tax base for the financial year 2024/25 by the statutory deadline of 31 January 2024.

The Council has a legal obligation to calculate a council tax base each financial year. The calculation of the council tax base is a part of the Council's budget strategy which forms part of the Council's Policy Framework.

The starting point for the calculation of the 2024/25 tax base is the number of dwellings on the Valuation List, provided by the Government's Valuation Office. The figures are also adjusted for exempt dwellings and for dwellings subject to disabled reduction.

The number of chargeable dwellings in each band is further adjusted for discounts, exemptions, premiums, and council tax support.

ORDERED that Executive:

1. **Note the contents of the report.**
2. **Approve the council tax base for 2024/25 as 36,137.9.**
3. **Approve 2,386.6 and 1,412.8 as the council tax bases for the parishes of Nunthorpe and Stainton & Thornton respectively for 2024/25**
4. **Following approval, agrees to notify the Police and Crime Commissioner, the Cleveland Fire Authority, and the Parish Councils of the 2024/25 council tax base.**

OPTIONS

There were no other options put forward as part of the report as the Council had no option but to calculate a council tax base as it was a statutory requirement.

REASONS

The recommendations were supported by the following reasons: -

1. **The Local Government Finance Act 1992 required a billing authority to calculate its council tax base for each financial year.**
2. **The method of calculation was specified in the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, which required the calculation to be approved before 31st January in the year proceeding the relevant financial year.**

23/49

THE DISPOSAL OF LAND AT NUNTHORPE GRANGE FOR HOUSING - PART A

The Executive Member for Regeneration submitted a report for Executive's consideration.

The report sought Executive approval for the disposal of Nunthorpe Grange, which was allocated in the Housing Local Plan (2014), in accordance with the Council's adopted Asset Disposal Process, and to inform Executive of the next steps to take this site to market.

The report detailed that the site was allocated in the 2014 Local Plan, and Nunthorpe Grange was circa 24.29ha of green field land and was in three separate ownerships, with Middlesbrough Council owning approximately 15.64ha and the remainder privately owned.

Appendix 1 of the report showed the site ownership which comprised:

- land coloured red owned by Middlesbrough Council which totalled 15.64ha;
- Lady Harrison's Field/The Polo Field (land coloured yellow) owned by Sir Colin Harrison & Family Trust 3.06ha; and,
- Land at Field House (coloured blue) owned by Persimmon Homes 5.59ha.

The site was located south and east of existing residential developments. To the west and south were areas of open countryside. The site was bounded by the Guisborough Road (A171) to the north, by railway lines to the east, to the south by the (A1043) and to the west by the Stokesley Road.

A Member stated Nunthorpe had seen significant development without the requisite infrastructure for such development. As such, residents were dissatisfied with the situation. The Executive Member for Regeneration thanked the Member for their comments and appreciated their resident's position. It was commented the Council's financial position meant the recommendations contained in the report were necessary.

A discussion took place regarding the exempt information contained in Part B of the report. It was clarified that part of the report contained financial information that was not disclosable to the public.

AGREED that Executive:

1. Note the information contained within Part A of the report.
2. Approve the marketing and disposal of Nunthorpe Grange housing site; and
3. Provide Delegated Authority for the Director of Regeneration and the Director of Finance, following consultation with the respective Executive Members, to approve the Public Open Space (POS) and Land Appropriation process once all the financial or exempt information contained within Part B of the report has been considered.

OPTIONS

Option 1 - Don't sell the land.

This would have resulted in significant financial implications for the Council, including no capital receipt and no Council Tax revenue. Failure to dispose of the land would be contrary to the Local Plan (2014). The overall integrity of the Local Plan depends upon the land supply identified within it being made available; the Council would have been open to significant challenge from the housebuilding industry if it were seen to constrain land supply.

Furthermore, this approach would result in significant abortive costs for the Council resulting from the due diligence work undertaken to date and the cost of legal proceedings relating to the farming tenancy.

Option 2 - Sell the land as a whole prior to de-risking the site.

Previous market and disposal advice for other sites highlighted that this approach did not demonstrate Best Value for the Council. The approach would present a vastly reduced land receipt and there would have been significant uncertainties around the timescales for delivery which could negatively impact upon Middlesbrough's housing supply and Council Tax income, especially as the land did not currently come with the benefit of an outline planning permission.

Option 3 - Sell the land without outline planning permission

It is known that developers would pay for the benefit of a de-risked site. Disposal without planning consent would prove financially and strategically detrimental to the Council and have proven risky for developers, potentially leading to fewer than normal offers and at a reduced financial rate.

Option 4 - Sell the land without undertaking further Due Diligence and Development Plan work

The Council's proven financial approach to housing site disposals was based on maximising capital receipts by 'de-risking' sites. This involved undertaking site investigation works, producing design guidance or masterplans and gaining outline planning approval to competitively market sites.

Option 5 - Enter a Joint Venture

Independent advice and professional analysis consistently drew the conclusion that the proposal to collaborate with external partners on the disposal and delivery of housing site did not present Best Value for Money for the Council.

REASONS

The development of Nunthorpe Grange would bring a surplus, vacant and underutilised Council held asset into far more beneficial use in the future – creating a new community and a high-quality place.

Nunthorpe Grange was critical to the supply of land for housing development and was, in turn, critical for supporting economic growth in the town and the delivery of Council services.

The disposal of the parcel of land was recommended in order to meet the Council's requirements to generate capital receipts and increase annually recurring revenue streams through Council Tax.

With interest in Middlesbrough's sites strong, it was timely to bring this site forward for development, to ensure that the maximum capital receipt was achieved and that the Council's Medium Term Financial Plan (MTFP) is delivered.

Middlesbrough's housing offer needs to keep pace with the demands of the market. The release and development of this site will allow that to be achieved; stemming outward migration and making Middlesbrough a desirable place to live, with a quantity of residential properties that would address the requirements of a changing, growing, and evolving population.

Furthermore, Nunthorpe Grange was allocated in the 2014 Local Plan and needed to be brought to market to avoid the Plan being compromised, and potentially challenged by developers if the Council was seen as constraining the overall land supply.

23/50 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

None.

23/51 **EXCLUSION OF PRESS AND PUBLIC**

ORDERED that the press and public be excluded from the meeting for the following items on the grounds that, if present, there would be disclosure to them of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

23/52 **EXEMPT - THE DISPOSAL OF LAND AT NUNTHORPE GRANGE FOR HOUSING - PART B**

The Executive Member for Regeneration submitted a report for Executive's consideration.

ORDERED

That the recommendations of the report be approved.

REASONS

The decision was supported by the following reason:

For reasons outlined in the report.

23/53 **EXEMPT - CAPTAIN COOK SQUARE - BUSINESS CASE**

The Executive Member for Regeneration submitted a report for Executive's consideration.

ORDERED

That the recommendations of the report be approved.

REASONS

The decision was supported by the following reason:

For reasons outlined in the report.

All other decisions will come into force after five working days following the day the decision(s) was published unless the decision becomes subject to the call in procedures.

MIDDLESBROUGH COUNCIL	
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Report of:	Middlesbrough Independent Improvement Advisory Board
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Submitted to:	Executive
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Date:	17 January 2024
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Title:	Middlesbrough Independent Improvement Advisory Board: First Update Report
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Report for:	Information
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Status:	Public
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Strategic priority:	All
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Key decision:	Not applicable
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Why:	Not applicable
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Subject to call in?	Not applicable
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Why:	Not applicable
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Proposed decision(s)

That the Executive notes the first report of the Middlesbrough Independent Improvement Advisory Board.

Executive summary

The Board's first report sets out the background to its appointment, a summary of activity to date and a forward view on the future focus the Council should have in its improvement journey.

1. Purpose

1.1 The Board’s first report sets out the background to its appointment, a summary of activity to date and a forward view.

2 Recommendations

2.1 That Executive notes the content of the board’s first report.

3 Rationale for the recommended decision(s)

3.1 The Council must respond effectively and at pace to the deliver the improvements set out in both the Corporate Governance Improvement Plan and the Section 24 report if it is to effectively address the concerns around its culture, governance and financial challenges.

3.2 The report of the Board provides an independent view of progress made to date and its expertise and advice will assist the Council in its improvement journey.

4 Background and relevant information

4.1 In September 2023 the Council appointed a discretionary Independent Improvement Board. Comprised of the following members:

Name	Experience / speciality
Wallace Sampson OBE	Local authority CEO (Chair)
Ros Jones CBE	Unitary local authority Mayor / Leader
Suki Binjal	Unitary local authority Monitoring Officer
Chris Buss	London Borough and Unitary local authority Chief Finance Officer
Mark Edgell	LGA Regional Lead

4.2 The Board’s role is to provide oversight, support and challenge to the Council’s improvement and transformation journey, with particular focus on ensuring compliance with the Council’s Best Value Duty under the Local Government Act 1999, notably:

- Cultural and governance issues, including those identified through previous CIPFA and previous, and any future, external auditor reports.
- Financial sustainability, including a balanced medium-term financial strategy aligned to the Council’s Corporate Plan.

4.3 The Board also oversees progress by the Council towards implementing the actions arising from the Section 24 Statutory Recommendations of the External Auditor, dated 21 August 2023 and presented to Council on the 18 September 2023.

4.4 The September 2023 Council report set out that the Board will report its views on progress to Executive in January 2024 and will provide a further update to Council three months after that. The Board’s first report is appended to this report.

5. Other potential alternative(s) and why these have not been recommended

5.1 Not applicable.

6. **Impact(s) of the recommended decision(s)**

Financial (including procurement and Social Value)

6.1 Not applicable.

Legal

6.2 There are no direct legal implications as a result of this report.

Risk

6.3 If the Council fails to respond effectively to the issues identified in the Corporate Governance Improvement Plan and the Section 24 delivery plan, this will have a negative impact on the following strategic risks:

- Failure to meet a balanced budget.
- Risk of an unlawful decision by the Council.
- Corporate governance is not fit for purpose.

Human Rights, Public Sector Equality Duty and Community Cohesion

6.4 Not applicable.

Climate Change / Environmental

6.5 Not applicable.

Children and Young People Cared for by the Authority and Care Leavers

6.6 Not applicable.

Data Protection / GDPR

6.7 Not applicable.

Actions to be taken to implement the recommended decision(s)

6.8 Not applicable.

Appendices

1	Middlesbrough Independent Improvement Advisory Board: First Update Report
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Background papers

Reporting body	Report title	Date
Corporate Affairs and Audit Committee	Lessons Learnt: Best Value Inspection of Liverpool City Council	5 Aug 2021
Corporate Affairs and Audit Committee	Boho X: Draft findings from internal audit and proposed management response	6 Apr 2022
Corporate Affairs and Audit Committee	Audit Results Report 2020/21	22 Jul 2022
Corporate Affairs and Audit Committee	Statement of Accounts 2020/21	22 Jul 2022
Corporate Affairs and Audit Committee	Lessons learned: Best Value and external assurance within other councils.	22 Jul 2022
Corporate Affairs and Audit Committee	Commencing a corporate governance improvement journey	22 Jul 2022
Council	Corporate Governance Improvement Journey: CIPFA findings and next steps	19 Oct 2022
Council	Corporate Governance Improvement Plan and progress update	30 Nov 2022
Corporate Affairs and Audit Committee	External Audit: Value for Money Governance Update	5 Dec 2022
Council	Corporate Governance Improvement Plan and progress update	18 Jan 2023
Corporate Affairs and Audit Committee	Statement of Accounts 2020/2021	28 Apr 2023
Corporate Affairs and Audit Committee	Auditor's Annual Report – Year Ended 31 March 2021	29 Jun 2023
Council	Corporate Governance Improvement Next Steps	5 Jul 2023
Council	Section 24 Statutory EY recommendations	18 Sep 2023
Council	Corporate Governance Improvement Plan	18 Sep 2023
Corporate Affairs and Audit Committee	Lessons Learnt: Best Value Inspection of Liverpool City Council	5 Aug 2021
Audit Committee	Section 24 Report – Delivery and oversight arrangements	5 Oct 2023
Council	Corporate Governance Improvement Plan and Section 24 Action Plan progress report	25 Oct 2023
Council	Corporate Governance Improvement Plan and Section 24 Action Plan progress report	29 Nov 2023

Contact:

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Middlesbrough Independent Improvement Advisory Board: First Update Report December 2023

PURPOSE

1. The is the first report of Middlesbrough's Independent Improvement Advisory Board (MIAB). It provides an overview of the Board's work to-date, and perspective on Middlesbrough Council's progress on its improvement journey. The report will do so by covering:
 - 1.1. Background
 - 1.2. Activity between October – December 2023
 - 1.3. Progress
 - 1.3.1. Overview
 - 1.3.2. Cultural Transformation
 - 1.3.3. Financial Recovery and Resilience
 - 1.4. Looking Forward

BACKGROUND TO MIDDLESBROUGH'S INDEPENDENT IMPROVEMENT ADVISORY BOARD (MIIAB)

2. At the invitation of Middlesbrough Council, the Middlesbrough Independent Improvement Advisory Board (Board) was established in October 2023. It is a non-statutory Board which brings together independent expertise from across the sector. The Board was established to provide oversight, support and challenge to the Council's improvement and transformation journey. This would include a particular focus on helping the Council to ensure its compliance with the Council's Best Value Duty under the Local Government Act 1999, notably:
 - 2.1. Cultural and governance issues, including those identified through previous CIPFA review and progress towards implementing the actions arising from the Section 24 Statutory Recommendations of the External Auditor and any future external auditor reports.
 - 2.2. Financial sustainability, including a balanced medium-term financial strategy aligned to the Council's Corporate Plan.
3. The Terms of Reference and Membership of the Board can be found here: [Improvement Board ToR](#), with further detail on the background to the Council's improvement journey found here [Corporate Governance Improvement Plan](#).
4. As set out in its Terms of Reference, the MIIAB will provide a written report on its activity to Middlesbrough Council's Executive on a quarterly basis and Full Council meetings on a six monthly basis. This is the first of those reports.
5. Underpinning the Council's improvement journey is a formal 'Best Value Notice' issued by the Department for Levelling Up Housing and Communities (DLUHC) on 24 January 2023. Within the Notice, it is clear that a failure by the Council to demonstrate continuous improvement may be judged to contribute to Best Value failure and the Secretary of State will consider using his statutory powers as appropriate.

ACTIVITY TO DATE: OCTOBER – DECEMBER 2023

6. Since the Board was established, it has met three times between October and December 2023. Through these meetings the Board has engaged with key elected members and officers at Middlesbrough Council, including the: Mayor, Executive, Interim Chief Executive, Leadership Management Team (LMT), Head of Financial Planning and Support, Head of Governance, Policy and Information, Head of Strategy, Business and Customer, and Chair of Middlesbrough's Children's Executive Improvement Board (CEIB). In addition to the Formal Board meetings, engagement has included:
 - 6.1. The Board also meeting regularly (informally) to discuss and consider the progress the Council is making regarding it's improvement journey.
 - 6.2. Holding a meeting – and created an anonymised channel of communication - for all Middlesbrough elected members.
 - 6.3. Observing public council committees meetings online.
 - 6.4. Regular contact between the MIIAB Political Peer and Middlesbrough Mayor.
 - 6.5. Regular meetings between the MIIAB Chair and Middlesbrough's Interim Chief Executive.

- 6.6. Regular meetings between the MIIAB Governance Lead and Middlesbrough's Director of Legal and Governance Services.
 - 6.7. Regular meetings between the MIIAB Finance Lead and Middlesbrough's Interim Director of Finance.
 - 6.8. Offering support, including in relation to: mentoring for members of the Executive and LMT, transformation expertise, Childrens Services, Adults Services, and organisational re-design.
7. During this period, the Board recognises that a significant breadth of activity has been undertaken by Middlesbrough Council to progress its Cultural Transformation, Financial Recovery and Resilience workstreams, alongside day-to-day delivery. Given the critical point in the financial cycle, the Board has had a particularly strong focus on the Financial Recovery and Resilience workstream. The Board is grateful for the constructive and open way the Council at all levels has engaged openly with the Board across all aspects of its work to date.

OVERVIEW

8. From what the Board has heard and seen, it is evident that there are dedicated, and hard-working elected members and officers focused on moving the Council forward on its improvement journey. With Phase Three of the Council's Corporate Governance Improvement Plan and Section 24 Action Plan agreed in September 2023, a significant amount of activity has occurred taking the Council in the right direction in terms of improvement. This has been against a backdrop of significant organisational changes, with the Council having had a new Mayor elected and having changed political control in May 2023. Since the Best Value Notice was issued there have also been senior personnel changes in the roles of Chief Executive, Finance Director, and Director of Childrens Services. This inevitably has meant a period of orientation and reset, but the Board have heard that it has also heralded better relationships, a clearer acknowledgement of the issues needing to be addressed, and fresh impetus and ideas so to do.
9. The positive steps taken, and progress made around governance, culture, and financial management are to be commended. Progress however is inevitably at an early stage, and therefore not yet embedded as tangible change.
10. There remains much still to do, particularly to tackle the scale of the financial challenge. Middlesbrough Council's financial position is critical. At the time of writing, the Council are consulting on a budget gap of £6.3m for 2024/25, with the risk of the Council issuing a Section 114 Notice¹ remaining a possible outcome. Addressing this - by delivering on the improvement plan actions, including a robust transformation programme - will be critical. As will effectively implementing new strategies to embed positive cultures and behaviour changes to ensure the Council's improvement journey is realised, sustainable and resilient.

CULTURAL TRANSFORMATION

11. The workstreams within Middlesbrough's 'Cultural Transformation' work programme are as follows:
- 11.1. Development and implementation of a People and Cultural Transformation Strategy
 - 11.2. Development and implementation of a Member Development Strategy and Programme
 - 11.3. Development and implementation of a corporate governance training programme

¹ Under Section 114(3) of the Local Government Finance Act 1988

- 11.4. Ensure stable and sustainable leadership for the organisation
 - 11.5. Development and implementation of an improved focus on employee performance and accountability
 - 11.6. Review the Council's approach to Member enquiries and engagement
 - 11.7. Develop and implement communications and engagement plan to support cultural transformation
12. The [Corporate Governance Improvement Plan and Section 24 Action](#) report published mid-November 2023 provides a detailed picture of Middlesbrough's progress against the plan.
13. The Board's reflections on the progress made to-date against this Cultural Transformation work programme, is summarised in paragraphs 14 – 17.
14. **Strategy implementation:** The development in recent months of key cultural change strategies, policies and training programmes should be commended. This has included agreement of a Member Development Strategy and Programme, corporate governance training programme and appraisal process for staff, as well as ongoing development of a People Strategy. These will be important vehicles through which to drive the cultural and behavioural change the Council wants to see. The existence of these statements of intent however do not, in themselves, directly lead to meaningful change. Alignment, implementation and embedding of these strategies will be critical to ensure these translate into tangible change in practice. With these various strategies at an understandably nascent stage in term of delivery, this will be something the Board will be keen to explore further in coming months. The Board will want the Council to be able demonstrate a clarity of purpose and activity that is visibly linked to long term aspirations and discussions that underpin and focus on the key priorities.
15. **Culture, relationships, and behaviours:** The Board has heard that relationships between elected members and officers have improved significantly since the issuing of the Best Value Notice in January 2023. We are aware that the Mayor, Executive and LMT have worked hard to establish positive relationships, behaviours and norms based on the Nolan Principles. Alongside this, positive steps have been made with a review and update on the Constitution, development of Member Development Strategy and Programme, and engagement with elected members and staff on Middlesbrough's organisational values. As with any organisation, cultural change takes time to embed and needs to be constantly reinforced and supported. The Board has heard that legacy issues around trust, behaviours and understanding role and responsibilities are still impacting across the Council. Whilst recognising the significant good work that has happened to date, further steps to establish positive relationships and norms in roles and responsibilities between senior elected members and officers will nevertheless be important. For example, undertaking a programme of top team development for the LMT and with the Executive could further collective understanding of respective roles and responsibilities. It could also help develop the resilience of relationships to support the Council through future challenges and difficult decisions. How the organisational values are 'lived and breathed' is something the Board will be keen to explore – and see evidence of - as the Council continues its improvement journey.
16. **Member enquiries and engagement:** Steps have been taken by the Council to engage elected members on the Corporate Governance Improvement Programme. This included a workshop to understand their needs from a revised Members' Enquiry process. The Board however heard mixed views as to how these efforts had been received, with frustrations expressed as to how elected Members' queries continued to be responded to. Resolving this as a priority will be important to ensure elected Members are best supported to carry out their roles, and in establishing expected behavioural norms within the wider workforce. Similarly, ensuring all elected Members can engage with the Council's improvement programme and understand their role within it, such as role modelling organisational values, will be important in embedding cultural change.

17. **Stable and sustainable leadership:** An important action within the Corporate Governance Improvement Plan is to ensure that arrangements are put in place for stable and sustainable leadership of the organisation. Notwithstanding the interim nature of some key leadership positions, the Board recognises the stabilising influence that these senior appointments have brought to the organisation. This has brought benefits in terms of leadership and direction, and if carefully managed will enable the Council to have an orderly transition to more permanent arrangements in the future.

FINANCIAL RECOVERY AND RESILIENCE

18. The workstreams within the 'Financial Recovery and Resilience' work programme are as follows:

- 18.1. Controlling 2023/24 expenditure to within approved budgets
- 18.2. Commenced development of organisational wide Transformation Programme
- 18.3. Setting a balanced budget for 2024/25 to 2026/27
- 18.4. Improvements to financial governance, spending controls and monitoring through more effective financial management, across the organisation

19. The [2024/25 Budget and Medium Term Financial Plan \(MTFP\) Update 2024/25 to 2026/27](#) report published mid-December 2023 provides a detail picture of Middlesbrough's financial position.

20. The Board's reflections on the progress made to-date against this Financial Recovery and Resilience work programme, is summarised in paragraphs 21 – 25.

21. **Budget and Medium Term Financial Plan (MTFP):** It is evident to the Board that the Council acknowledges the scale of the financial challenge and is undoubtedly working hard to improve the budgetary position. Meaningful progress has been made in reducing the 2023/24 budget gap, which at Month 7 end of October stood at £7.4m. This will need to be met from reserves which will be replenished either in part or in full by the release of an over provision for bad debt in respect of Council tax collection. This is a one-off scenario. Whilst the Council will benefit from this, it is important the Council makes explicitly clear that this cannot be repeated. For Middlesbrough Council to become financially sustainable, it is imperative that all Departments, identify and deliver on savings going forward. With critically low levels of reserves - estimated in the MTFP to be at £7.4m at the end of March 2024 or 5.5% of net revenue budget - the Board would encourage the Council to continue to have a relentless focus on identifying and delivering financial savings within the 2023/24 financial year to close the budget gap and support financial resilience in future years. It should also continue to apply strict financial controls on expenditure and maximising income collection as a matter of course.

22. The overall financial position of the Council is critical and the risk of the Council issuing a Section 114 Notice² as set out in the MTFP remains a possible outcome, unless the budget can be balanced in 2024/25 without either recourse to reserves which are at a critical level or exceptional financial support from DLUHC. The Council are consulting on a budget gap of £6.3m for 2024/25, rising to £8.2 million by the end of 2026/27. The recent draft local Government Finance settlement has provided a marginal increase in financial resources of £0.8m.³ However, if the Council is

² Under Section 114(3) of the Local Government Finance Act 1988

³ Provisional financial analysis subject to finalisation by end of January 2024.

unable to close the budget gap and seeks and secures exceptional financial support from DLUHC, this sum would be needed to pay the costs of any borrowing related to that support. Urgency in bringing forward quantified savings and transformation proposals for 2024/25 is therefore imperative. The Board continue to impress upon Middlesbrough the need for further urgency in doing so. The development of – and delivery against – a Council-wide Transformation Programme will be critical to setting a balanced budget for 2024/25 to 2026/27.

23. **Transformation Programme:** The Council has recently commenced development of intensive transformation and service redesign activity with the assistance of Inner Circle Consulting. This is to develop an overarching Transformation Programme linked to the MTFP, with business cases for financial savings to be brought forward at pace for delivery. This is something the Board is keen to understand progress on as it develops. Ensuring the robustness of the business cases coming forward as part of the Programme – and mitigating risks of optimism bias – will be critical to ensure the savings identified are realistic and deliverable. This will be important in order to avoid adding further budgetary pressure to future years.
24. **Childrens and Adults Services:** Being the largest elements of the Council's budget at 60% of gross expenditure and 87% of net expenditure Childrens and Adult Services will be important planks within the Transformation Programme and delivery of savings needs to be demonstrated. There is evidence that both services are spending more than those in comparable councils. Transformation within Childrens Services will be of relevance to the Department for Education (DfE) mandated Middlesbrough's Children's Executive Improvement Board. Both Boards have committed to work jointly to ensure they remain on the same page in terms of achieving transformational savings as well as strengthening practice. Ensuring this alignment and clarity on how the transformation agenda relating to Children's Services will work across the two Boards is something MIIAB will be focused on in future months.
25. **Vision:** The MIIAB have been encouraging Middlesbrough Council to prioritise establishing at pace a clear vision for Middlesbrough as a place and organisation. Having a vision which sets out the Council's ambitions that can link together – and drive – the transformation, cultural and financial change Middlesbrough is seeking to achieve. This clear vision will also help take councillors, staff, and communities on the journey with the Council. Whilst a vision for Middlesbrough is articulated in the recently published Council Plan, the Council may wish to revisit it in parallel with the development of the Transformation Programme aims and objectives. This should be progressed as a matter of urgency.

Looking Forward

26. The Board are encouraged by and recognise the aforementioned green shoots which – alongside the comprehensive Improvement Plan – provide a platform from which to drive forward. The Board would encourage Middlesbrough Council not to take its foot off the gas in terms of pace and focus, and to consider the points raised by the Board, particularly in relation to the following:
 - 26.1. **Focus on Financial Savings:** Having a relentless focus and pace in identifying and delivering financial savings and eliminating over expenditure within the 2023/24 financial year, and to support financial resilience in future financial years. Aligned to clear messaging that to become financially sustainable, it will be imperative that all Departments, contain costs within approved budgets and identify and deliver on savings.
 - 26.2. **Transformation Programme:** Ensure the robustness of business cases coming forward as part of the Transformation Programme to ensure they are deliverable. Recognising the ratio of the Adults and Childrens Services budgets combined in relation to the overall Council revenue budget, and practice and spend in comparable councils. The Council should ensure that these two departmental areas are an integral part of the

Transformation Programme and future aspirations for financial sustainability.

- 26.3. **Vision:** Establish at pace a clear vision for Middlesbrough as a place and organisation. This is essential to driving cultural and transformational change activity and will help take councillors, staff, and communities on the journey with the Council.
- 26.4. **Culture, relationships, and behaviours:** Further efforts to build on good progress made in establishing positive relationships and norms in roles and responsibilities between elected members and officers and develop resilience into relationships.
- 26.5. **Engagement:** Ensure all elected members can engage with the Council's improvement programme, understand their role within it, and are supported with a revised approach to Members' Enquiry as soon as possible.
- 26.6. **Implementation:** Focus on aligning and implementing the key cultural change strategies and processes to ensure these translate into meaningful change in practice and the organisation can speak with 'one voice'.

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MIDDLESBROUGH COUNCIL	
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Report of:	Chief Executive and Director of Finance (s151 Officer)
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Relevant Executive Member:	Elected Mayor and Executive Member for Finance & Governance
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Submitted to:	Executive
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Date:	17 January 2024
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Title:	2024-25 Budget and MTFP – Application for Exceptional Financial Support
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Report for:	Decision
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Status:	Public
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Strategic priority:	All
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Key decision:	No
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Why:	Not applicable
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Subject to call in?:	No
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Why:	Urgent
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Proposed decision(s)	
<p>That the Executive approve that an application for Exceptional Financial Support (EFS) be made by the Chief Executive and Director of Finance (s151 Officer) to the Department for Levelling Up Housing and Communities (DLUHC) in order to finance forecast budget deficits and enable a balanced budget to be set for 2024/25 as required by statute.</p> <p>That the Executive delegate authority to the Chief Executive and Director of Finance to negotiate the quantum and terms of the application in consultation with the Elected Mayor and Executive Member for Finance and Governance.</p>	

That the Executive notes that the Chief Executive and Director of Finance seek approval from a future Full Council to accept or reject (as appropriate) any offer made with associated terms and conditions.

Executive summary

The Council is required to set a legally balanced budget for 2024/25 by the statutory deadline of 11 March 2024. This is the responsibility of all Council Members.

At its meeting on 20 December 2023, Executive considered an update report in relation to progress made in developing the 2024/25 Budget and MTFP for the period 2024/25 to 2026/27. The report identified that despite substantial work undertaken by the Leadership Management Team, the Elected Mayor and the Executive to identify savings and income growth proposals sufficient to balance the 2024/25 budget, a shortfall of £6.279m remained for 2024/25. It also reported further gaps of £1.596m for 2025/26 and £0.305m for 2026/27, equivalent to a cumulative budget gap of £8.180m.

The draft savings and income growth proposals that are subject to consultation, total £14.038m in 2024/25 which is equivalent to 11% of the 2023/24 net budget of £126.354m and is of significant scale and challenge for Middlesbrough Council. These savings rise to by a further £5.083m in 2025/26 and £1.967m in 2026/27, therefore presenting a cumulative savings plan of £21.088m by the end of 2026/27.

It is also proposed to levy a total Council Tax increase of 4.99%, comprising 2% on the Adult Social Care Precept and 2.99% on the general Council Tax. It is possible for the Council to seek authorisation from DLUHC to waive the referendum limit to levy a higher Council Tax as part of its application for Exceptional Financial Support, but this course of action is **not** proposed.

Further work is continuing in relation to the budget development process and financial recovery plan including:

- Assessment of the Provisional Local Government Finance Settlement
- Due diligence to assure the robustness and deliverability of budget proposals
- Assessment of the adequacy of reserves
- Assessment of risks and uncertainty of cost and demand pressures facing the Council
- Scoping and development of the Transformation Programme, its themes and projects and associated business cases.
- Development of asset disposal plans and a profiled pipeline of capital receipts that will be the primary funding stream for investment in the Transformation Programme.

The Provisional Local Government Finance Settlement (LGFS) was announced on 18 December 2023 and runs to the 15 January 2024. The Final LGFS will be announced in early February 2024 and the final funding position will be known at that point.

The Provisional Settlement is broadly in line with the Council's MTFP assumptions and is not expected to change substantially upon receipt of the Final LGFS. As anticipated, the £6.3m budget gap remains to be addressed by the Council in order to set a legally balanced budget for 2024/25.

It is the professional opinion of the s151 Officer, that in order to set a legally balanced and robust budget whilst maintaining adequate revenue reserves for 2024/25, the Council must:

- apply for and receive approval of Exceptional Financial Support from Central Government comprising elements:
 - meet the budget gap for 2024/25
 - manage the financial implications of savings programme delivery risk
 - temporarily support the funding of investment in transformation pending the realisation of capital receipts from the asset disposal programme
 - temporarily support the funding of the statutory element of redundancy costs pending the realisation of capital receipts from the asset disposal programme
- approve and deliver budget proposals to the values set out in the Executive report of 20 December 2023
- increase Council Tax by the maximum 4.99% as proposed in the Executive report of 20 December 2023

In the event that these conditions are not met, then the s151 Officer will be required to issue a s114 Notice under s114(3) of the Local Government Finance Act 1988 as the Council would be unable to set a legally balanced budget.

This action will only be taken as a last resort and is likely to have a significant adverse impact upon the Council's ability to maintain delivery of a range of non-statutory services in the short term whilst a plan to achieve a balanced budget is considered by the Council. This course of action also increases the likelihood of an escalation of government intervention, which will result in increased expenditure for the Council.

Based upon the budget development work undertaken to date, it is considered to be highly unlikely that it will be possible to identify and deliver robust and sustainable saving proposals to close the £6.3m budget gap without implementing a large-scale transformation programme of the type being developed currently to run over the medium term. This will take time and substantial investment in the necessary skills, experience and technology required to deliver lasting service improvement and cost reduction.

It is considered that Exceptional Financial support will be necessary to enable the Council's financial recovery either at this stage that would avoid a s114 Notice, or at a later stage in a s114 scenario.

1. Purpose

1.1The purpose of the report is to:

- Update Members on the assessment of the Council's ability to set a legally balanced budget for 2024/25.
- Seek approval to apply to the Department of Levelling Up Housing and Communities (DLUHC) for Exceptional Financial Support (EFS).
- Seek approval to delegate authority to the Chief Executive and Director of Finance to negotiate the quantum and terms of the EFS application in consultation with the Elected Mayor and Executive Member for Finance and Governance.

2. Recommendations

That the Executive

- 2.1 Notes the further progress made in developing the 2024/25 budget and MTFP.
- 2.2 Note the s151 Officers advice at paragraph 4.35 and 4.36 that without securing External Financial Support via DLUHC, it will not be possible for it to:
 - Balance the 2024/25 budget
 - Secure financial recovery and sustainability over the medium term
- 2.3 Notes that if approval of the EFS application is not agreed, it will be necessary for the s151 Officer to issue a s114 Notice under s114(3) of the Local Government Finance Act 1988 at the earliest possible opportunity. This will result in the Council being required to meet within 21 days of the s114 Notice to develop a plan to balance the budget including stopping all non-essential, non-statutory functions and reducing statutory functions to the minimum level in order to close the 2024/25 budget gap.
- 2.4 Approves that an application for Exceptional Financial Support will be made to the Department for Levelling Up Housing and Communities (DLUHC) in order finance forecast budget deficits and to enable a balanced budget to be set for 2024/25 as required by statute.
- 2.5 Approves the delegation of authority to the Chief Executive and Director of Finance to negotiate the quantum and terms of the EFS application in consultation with the Elected Mayor and Executive Member for Finance and Governance.
- 2.6 Notes that the Chief Executive and Director of Finance seek approval from a future Full Council to accept or reject (as appropriate) any offer made with associated terms and conditions.

3 Rationale for the recommended decision(s)

- 3.1 The Council is required by statute to set a legally balanced budget for 2024/25 by the 11 March 2024. The recommendations within this report seek to achieve that objective and to avoid the requirement for the s151 Officer to issue a s114 Notice under s114(3) of the Local Government Finance Act 1988.

4 Background and relevant information

- 4.1 The Council is required to set a legally balanced budget for 2024/25 by the statutory deadline of 11 March 2024 and this is the responsibility of all Council Members.
- 4.2 At its meeting on 20 December, the Executive considered the update report setting out the progress made in developing the 2024/25 Budget and MTFP for the period 2024/25 to 2026/27. The report identified that despite substantial work undertaken by the Leadership Management Team, the Elected Mayor and the Executive to identify savings and income growth proposals sufficient to balance the 2024/25 budget, a

shortfall of £6.279m remained for 2024/25. It also reported further gaps of £1.596m for 2025/26 and £0.305m for 2026/27, equivalent to a cumulative budget gap of £8.180m

- 4.3 The draft savings and income growth proposals that are subject to consultation, total £14.038m in 2024/25 which is equivalent to 11% of the 2023/24 net budget of £126.354m and is of significant scale and challenge for Middlesbrough Council. These savings rise to by a further £5.083m in 2025/26 and £1.967m in 2026/27, therefore presenting a cumulative savings plan of £21.088m by the end of 2026/27.
- 4.4 It is also proposed to levy a total Council Tax increase of 4.99%, comprising 2% on the Adult Social Care Precept and 2.99% on the general Council Tax. It is possible for the Council to seek authorisation from DLUHC to waive the referendum limit to levy a higher Council Tax as part of its application for Exceptional Financial Support, but this course of action is **not** proposed.
- 4.5 Further work is continuing in relation to the budget development process and financial recovery plan including:
- Assessment of the Provisional Local Government Finance Settlement
 - Assessment of the adequacy of reserves
 - Due diligence to assure the robustness and deliverability of budget proposals
 - Assessment of risks and uncertainty of cost and demand pressures facing the Council
 - Scoping and development of the Transformation Programme, its themes and projects and associated business cases.
 - Development of asset disposal plans and a profiled pipeline of capital receipts that will be the primary funding stream for investment in the Transformation Programme.

Further details of the conclusion of this work will be provided in the 14 February 2024 report to the Executive which finalises proposals for the 2024/25 Budget and MTFP and Council Tax setting. The current position is summarised in the remainder of this report.

Provisional Local Government Finance Settlement

- 4.6 The Provisional Local Government Finance Settlement (LGFS) was announced on 18 December 2023 and runs to the 15 January 2024. The Final LGFS is expected to be announced in early February 2024 and therefore the final funding position will be known at that point. The Provisional Settlement is broadly in line with the Council's MTFP assumptions and is not expected to change substantially upon receipt of the Final LGFS. As expected, the £6.3m budget gap remains to be addressed by the Council in order to set a legally balanced budget for 2024/25.

Adequacy of Forecast Reserves

- 4.7 The 2023/24 Period 8 forecast outturn is an overspend of £7.023m (5.6%) against the £126.354m net budget. As a result, the forecast earmarked revenue reserves will be fully exhausted by 31 March 2024 and the General Fund Balance will reduce to £7.806m which is 5.8% of the estimated net budget for 2024/25 of £135.298m. The

level of reserves falls by £7.023m (47%) below the minimum level of £14.829m advised by the former interim Chief Finance Officer at budget setting 2023/24.

- 4.8 This forecast level of usable reserves is considered by the Section 151 Officer to be inadequate given the uncertainties and demand pressures facing the Council. Without a plan to immediately replenish them to at least £14.829m at the end of 2023/24, this would also necessitate the s151 Officer to issue a s114 Notice under s114(3) of the Local Government Finance Act 1988.

Unrestricted Usable Reserves	Balance At 31/3/23	Q2 Forecast Balance at 31/3/24	P8 Forecast Balance at 31/3/24
	£m	£m	£m
General Fund Reserve	12.041	6.273	7.806
Unrestricted Usable Reserves	2.788	-	-
Total Unrestricted Usable Reserves	14.829	6.273	7.806
% of Net Revenue Budget	11.7%	4.6%	5.8%
Net Revenue Budget (approved 2023/24 /estimated 2024/25)	126.354	135.298	135.298

- 4.9 As detailed in the December 2023 Executive report, an in-depth review of the balance sheet has been undertaken during the year and this has included a revision of the methodology for accounting for the potential revenue cost of bad debt in the Collection Fund. This revision is to ensure compliance with International Accounting Standard IAS37 which is applicable from 2021/22 financial year which is currently subject to external audit. A review of the methodology and calculations by the External Auditor has confirmed the revised methodology is robust and enabled appropriate accounting adjustments to be made to the 2021/22 accounts. In turn, this has enabled finalisation of the 2022/23 draft accounts which were signed by the s151 Officer as presenting a true and fair view of the Council's financial position at 31 March 2023 and will be subject to public inspection from 8 January 2024 to 16 February 2024.
- 4.10 After taking account of these adjustments and the forecast outturn on the Collection Fund for 2023/24, there will be a cumulative surplus on the Collection Fund that will be available for the Council, Police and Fire Authorities to precept upon in setting the 2024/25 Budget from 1 April 2024. The Council's share of the surplus is c£8.3m. This is an improved position than was achieved under the previous bad debt provision methodology. Subject to the final outturn for 2023/24 being determined by the accounts closure and reporting process due to be completed by 31 May 2024, the first call upon this surplus will be to replenish the usable revenue reserves to the minimum prudent level and is therefore not available to balance the 2024/25 budget.
- 4.11 It is essential that Members fully appreciate and understand that the one-off use of reserves and provisions to fund ongoing expenditure without a robust plan to achieve a balanced budget over the medium term and a plan to rebuild reserves from the currently critical low position, is not financially prudent nor financially

sustainable. Therefore, whilst the balance sheet review has enabled the replenishment of reserves to cover 2023/24 overspending on this occasion, this has been made possible by extraordinary circumstances and will certainly not be possible to repeat in the foreseeable future.

- 4.12 The Council's current critical financial position has been reached at least in part because of past failures to establish and deliver sufficient savings plans to secure reduction in the Council's expenditure to enable it to be maintained within available annual income streams. This, combined with over reliance upon the application of revenue reserves to meet operational overspending, has resulted in the Council reaching the critical position in which it now has insufficient revenue reserves to:
- contribute to balancing the 2024/25 budget,
 - make sufficient financial provision to adequately cover risk of planned budget delivery including proposed savings.
 - fund investment in service transformation that is required to achieve financial sustainability in the medium to long term.
 - temporarily support the funding of the statutory element of redundancy costs pending the realisation of capital receipts from the asset disposal programme

A full assessment of the Council's financial standing, the robustness of budget estimates and adequacy of reserves will be set out in the s151 Officer's report under s25 of the Local Government Act 2003, contained in the February 2024/25 Budget, MTFP and Council Tax setting report to the Executive and Council.

Transformation Programme

- 4.13 As summarised in the December Executive report, the development and delivery of a large-scale Transformation Programme to achieve financial sustainability over the medium to long term is essential to the delivery of the Council's financial recovery and rebuilding its financial resilience as directed by the External Auditor's statutory recommendations issued in August 2023.
- 4.14 The budget development work undertaken to date has confirmed that without such transformation, further savings above the circa £14m in 2024/25 rising to £21m in 2026/27 proposed in the December report, will not be possible to achieve without also putting at risk the Council's ability to safely meet its statutory responsibilities and/ or preserve existing service standards for non-statutory services. Consequently, this means that the Council is unable to recovery its financial position without central Government support.
- 4.15 Work is continuing at pace with recently appointed external consultants to design and develop the Transformation Programme, its thematic workstreams and robust business cases for future consideration and approval by members through appropriate governance processes. As previously noted, given the scale and complexity of the programme, this will not be achieved within the timescales required to set a legally balanced budget by 11 March 2024.

- 4.16 Transformation, by its nature requires considerable investment in programme management, consultancy and information technology and this in turn will require the disposal of assets in order to fund such investment.

Implications of a s114 Notice being issued

- 4.17 If the Council is unable to agree and set a legally balanced budget then the s151 Officer is required by law to issue a s114 Notice under the provisions of the Local Government Act 1988. Section 114 (3) which states that:

“The chief finance officer of a relevant authority shall make a report under this section if it appears to them that the expenditure of the authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure”.

- 4.18 Councillors have 21 days from the issue of a Section 114 notice to discuss the implications at a Full Council meeting. The Council then needs to agree how it will produce a plan to balance the budget.

- 4.19 The issue of s114 notice means that:

- no new expenditure is permitted, with the exception of that funding statutory services, including safeguarding vulnerable people, at minimum level
- existing commitments and contracts will continue to be honoured.
- Council officers must therefore carry out their duties in line with contractual obligations and to acceptable standards, while being aware of the financial situation.
- Any spending that is not essential or which can be postponed should not take place and essential spend will be monitored.

- 4.20 The only allowable expenditure permitted under an emergency protocol would include the following categories:

- existing staff payroll and pension costs
- expenditure on goods and services which have already been received
- expenditure required to deliver the council's provision of statutory responsibilities at a minimum possible level
- urgent expenditure required to safeguard vulnerable citizens
- expenditure required through existing legal agreements and contracts
- expenditure funded through ring-fenced grants
- expenditure necessary to achieve value for money and / or mitigate additional in year costs

4.21 It is important to recognise that that 83% of the Council’s 2023/24 net budget is committed to adult and children’s social care which is primarily directed to meet the Council’s statutory duties to care for vulnerable people. After taking account of savings already proposed, this leaves little if any scope to achieve a further £6.3m in savings without implementing the transformation and service redesign at scale that is being proposed as part of the MTFP. A summary of the net 2023/24 budget is set out below to illustrate the current distribution of budget across directorates.

Summary of Net Budget 2023/24	Net Budget	Proportion of Net Budget
	£m	%
Adult Social Care	49.808	39.4
Public Health	(3.280)	-2.6
Children’s Care	54.649	43.3
Education and Partnerships	5.494	4.3
Regeneration	(1.987)	-1.6
Environment and Community Services	20.228	16.0
Legal and Governance Services	10.245	8.1
Finance	4.429	3.5
Central	(13.232)	-10.4
Total	126.354	100

- 4.22 In a s114 emergency protocol, the 151 Officer would require expenditure on ‘non-statutory’ or ‘non-essential’ services and functions to stop and statutory functions to be delivered at the minimum level to achieve the £6.3m budget saving required until longer term financially sustainable solutions can be developed and implemented. Inevitably, such plans would require service transformation and redesign of the type currently being designed and developed. In the meantime, this would result in extreme adverse consequences for the delivery of non-statutory functions.
- 4.23 An extensive review of detailed service functions would be required in a s114 emergency protocol to determine a more precise assessment of budget associated with statutory and non-statutory functions to enable the s151 Officer to take decisions on stopping and reducing expenditure. Some service areas comprise a combination of statutory and non-statutory functions, whilst in several statutory functions, service provision may exceed the statutory minimum.
- 4.24 However, a high-level estimate has been made of the net budget value of services delivering primarily non statutory/ non-essential functions to provide an indication of the service areas likely to be stopped and or reduced to achieve the required saving under a s114 emergency protocol. These include Economic Development, School Crossing Patrols, Cultural and Entertainment Activities, Leisure Services, Marketing, Neighbourhood Safety and Street Wardens, Area Care, Parks

Management, Environmental Protection, Adult Social Care Day Care, Education Psychologists. The total net budget for these areas in 2023/24 is approx. £9m. In addition, there will be some elements of support services which are not yet quantified. This illustrates the scale of adverse impact that is likely as a result of a s114 Notice being issued to achieve further reduction in expenditure of £6.3m.

Risk of further Government Intervention

- 4.25 As detailed in the December Executive report, DLUHC is actively encouraging local authorities in financial distress to engage in discussions to secure EFS in order to deliver a balanced budget for 2024/25.
- 4.26 EFS will take the form of a capitalisation direction that enables the Council to treat revenue expenditure as capital and to borrow and repay this amount at a premium rate over Public Works Loans Board (PWL) borrowing over a period of up to 20 years. It is a one-off solution in order to finance the capitalisation of revenue expenditure in a particular year to provide breathing space for the Council to implement plans to recover its financial position. It is not a grant and is not free money.
- 4.27 Approval of EFS will be dependent upon the Council being able to demonstrate a plan to deliver its financial recovery and will be subject to a number of conditions that will be determined by the Secretary of State.
- 4.28 DLUHC have indicated:
- local authorities seeking EFS should take every possible step to minimise the need for that support to be funded by national taxpayers, while also recognising the cost-of-living pressures on families.
 - That Government will consider representations from councils, including on council tax provision.
- DLUHC officials have clarified that there is no specific requirement for an EFS calculation to include a proposal to increase council tax above referendum limits.
- 4.29 It is considered that all available steps have been taken by the LMT, Elected Mayor, and the Executive to date in order to achieve a balanced budget without recourse to EFS. However, it is considered that EFS presents the only feasible solution to deliver a balanced budget for 2024/25 and also deliver service transformation and cost reduction at the scale required to secure financial sustainability in the medium to long term.
- 4.30 It is not proposed that the application for EFS will include an application to increase council tax above current referendum limits, given the levels of deprivation in Middlesbrough and the comparatively high levels of council tax already borne by households. More appropriate solutions to Middlesbrough's financial challenge will be to reduce its ongoing expenditure to become affordable within annual income streams.
- 4.31 If Members take a decision not to apply for EFS, then this would trigger the s151 Officer issuing a s114 Notice. In addition to the adverse financial consequences outlined above, Members should consider the risk of further escalation of

intervention within Middlesbrough Council. Based upon the experiences of other local authorities that are assessed as financially unsustainable, this could result in various levels of escalation, for example:

- Requiring that the voluntary Independent Improvement and Assurance Board moves to a mandatory basis
- Requiring that the advisory nature of the Board moves to a statutory basis enabling the Board to issue statutory recommendations and direct the Council's actions.
- The risk of the appointment of independent commissioners further down the line to intervene in the leadership and management of the Council. This could also involve suspension of democratic processes.

- 4.32 The Council would be required to meet the additional costs of increased improvement board activity aligned to its increased role. If Commissioners were appointed, the Council would be required to meet the cost of each Commissioner from its own resources.
- 4.33 It is important to note that in the case of all local authorities who have issued a s114 and have been subject to Commissioners, the costs of recovery are met by the local authority and have required varying levels of EFS to be negotiated between DLUHC and Commissioners.
- 4.34 Therefore, the s114 Notice would result in additional unnecessary cost to the authority, delays to progress in recovering the Council's financial position which are critically dependent upon implementing a Transformation Programme and likely to result in an escalation of Government Intervention in the Council's strategic management and decision making, with a dilution of control and influence for Council Members.

S151 Officer's advice

- 4.35 In conclusion, Exceptional Financial Support will be necessary to support the Council to achieve a balanced budget for 2024/25 and achieve its financial recovery plan irrespective of whether that is done now, or at some future point after a s114 Notice is issued, should the EFS application not be made now.
- 4.36 It is the professional opinion of the s151 Officer, that in order to set a legally balanced and robust budget whilst maintaining adequate revenue reserves for 2024/25, the Council must:
- apply for and receive approval of Exceptional Financial Support from Central Government comprising the following elements:
 - meet the budget gap for 2024/25
 - manage the financial implications of savings programme delivery risk
 - temporarily support the funding of investment in transformation pending the realisation of capital receipts from the asset disposal programme
 - temporarily support the funding of redundancies pending the realisation of capital receipts from the asset disposal programme
 - approve and deliver robust and deliverable budget proposals to the values set out in the Executive report of 20 December 2023

- increase Council Tax by the maximum 4.99% as proposed in the Executive report of 20 December 2023

5 Other potential alternative(s) and why these have not been recommended

- 5.1 Members may decide not to approve the application for Exceptional Financial Support (EFS). If an application for EFS is not approved, then the s151 Officer will be required to issue a s114 Notice under s114(3) of the Local Government Finance Act 1988 as soon as practically possible. This is not recommended for the reasons set out in paragraphs 4.17 to 4.36.

6 Impact(s) of the recommended decision(s)

6.1 Financial (including procurement and Social Value)

- 6.1.1 The financial implications of the options to approve an application for EFS or to reject an application for EFS are set out in the body of the report.

- 6.1.2 *The application for EFS will incorporate elements to:*

- meet the budget gap for 2024/25
- manage the financial implications of savings programme delivery risk
- temporarily support the funding of investment in transformation pending the realisation of capital receipts from the asset disposal programme
- temporarily support the funding of redundancies pending the realisation of capital receipts from the asset disposal programme

These amounts are subject to further work and due diligence in relation to the assessment of robustness of savings delivery plans, risk in budget estimates and adequacy of reserves. In addition, the scoping and quantification of transformation investment and profiling of realisable capital receipts from asset sales will determine the temporary funding required to address any timing difference between expenditure incurred and receipts of asset disposal.

6.2 Legal

- 6.2.1 The normal divisions of responsibility for proposing and making the budget for 2024/25 are separate from how the decision to approach the Department for Levelling Up Homes and Communities (DLUHC) should be dealt with in legal and procedural terms. The approval of the budget will follow the normal route of Executive proposing and full Council determining the budget. Pursuant to section 9D of the Local Government Act 2000, all matters are Executive functions unless the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 Regulations ('The Regulations') (or other statutory provision) provides otherwise.
- 6.2.2 Exceptional Financial Support, if granted by the DLUHC and accepted by full Council, would be part of the new medium term financial plan to be adopted as part of the budget setting exercise coming up, and there would be no departure from the actual spending plans covered by the current medium term financial plan. On that

basis and according to The Regulations, the decision whether to approach DLUHC for Exceptional Financial Support is an Executive function.

6.3 Risk

6.3.1 The Council is at risk of being unable to set a legally balanced budget by the statutory deadline of 11 March 2024. The recommendation to apply to DLUHC for Exceptional Financial Support aims to mitigate this risk in order that the Executive can present a balanced draft budget and MTFP to Council on 28 February 2024.

6.4 Human Rights, Public Sector Equality Duty and Community Cohesion

Not applicable

6.5 Climate Change / Environmental

Not applicable

6.6 Children and Young People Cared for by the Authority and Care Leavers

Not applicable

6.7 Data Protection / GDPR

Not applicable

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
That an application for Exceptional Financial Support be made by the Chief Executive and Director of Finance (s151 Officer) to the Department for Levelling Up Housing and Communities (DLUHC) in order to finance forecast budget deficits and enable a balanced budget to be set for 2024/25 as required by statute.	Chief Executive and Director of Finance (s151 Officer)	31/1/24
That the Chief Executive and Director of Finance negotiate the quantum and terms of the application in consultation with the Elected Mayor and Executive Member for Finance and Governance.	Chief Executive and Director of Finance (s151 Officer)	11/3/24

That the Chief Executive and Director of Finance seek approval from a future Full Council to accept or reject (as appropriate) any offer made with associated terms and conditions.	Chief Executive and Director of Finance (s151 Officer)	11/3/24
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Appendices

None

Background papers

No background papers were used in the preparation of this report.

Contact: **Debbie Middleton - Director of Finance (s151 Officer)**
Email: **debbie_middleton@middlesbrough.gov.uk**

MIDDLESBROUGH COUNCIL	
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Report of:	Director of Environment and Community Services. Executive Member for Environment and Community Services.
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Relevant Executive Member:	Executive Member for Environment and Community Services.
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Submitted to:	Executive
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Date:	29 November 2023
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Title:	Tree Policy
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Report for:	Decision
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Status:	Public
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Strategic priority:	Quality of service
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Key decision:	Yes
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Why:	Decision(s) will have a significant impact in two or more wards
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Subject to call in?:	Yes
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Why:	
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Proposed decision(s)
That the Executive agrees to adopt the amended Tree Policy as attached in appendix 1.

Executive summary
<p>The previous Tree Policy was adopted by the council in 2016 and further updated in 2021. The tree policy covered the management of Trees within Middlesbrough and gave advice to residents on dealing with all Arboricultural issues and in turn dealing with any issues that may arise with trees.</p>

The existing Tree policy has been in use for 3 years and it is important that a review is conducted to ensure it remains effective/compliant with industry best practise.

This policy review looked at current practices, changes in legislation to ensure they are all current and still relevant to the policy. It also looked at any ambiguities from the previous policy and clarified the council position.

There is also an important change to the policy in that the previous point 55 (exceptional circumstances) has been removed.

The final decision in relation to any works requested to any given tree will rest with Middlesbrough Councils Area Care officers. The route for any appeal will be through Middlesbrough Councils Complaints procedure.

1. Purpose

The purpose of this report is to seek approval for Middlesbrough Councils Tree Policy (amended November 2023) to be adopted by the council.

2. Recommendations

That the Executive: approves Middlesbrough Councils revised Tree Policy (amended November 2023).

3. Rationale for the recommended decision(s)

The Tree Policy has been reviewed and subsequently amended to ensure it remains in line with legislation, best practice and offers clear concise guidance to all users.

The previous tree policy identified that where a dispute arose against a decision of the Arboriculturist, the matter would be referred to the Executive Member.

The correct approach would be for the matter to be dealt with through the complaints process if the person is dissatisfied, thereby distinguishing the separation of powers

4. Background and relevant information

The proposed revised Tree Policy now also takes into consideration any advancements in technology not included in the previous version, i.e. solar panels and modern telecommunications. Policy amendments are as listed below with previous section numbers in brackets for ease of reference:

Section 26 (new) – A new section in relation to tree planting considerations.
(Please note, all subsequent numbers are now advanced by one section).

Section 56 Exceptional Circumstances– This section has been removed so that it did not compromise the Executive Members position. Members of the public will still be given the right of appeal, however, they will now be advised to go through Middlesbrough Councils Complaints Procedure for any such disputes.

5. Other potential alternative(s) and why these have not been recommended.

To remain status quo. This is not an option, as not having a Tree Policy in place will place Middlesbrough at serious risk and mean target setting opportunities could be missed.

6. Impact(s) of the recommended decision(s)

6.1 *Financial (including procurement and Social Value)*

There will be no additional financial implications on the adoption of the proposed revised Tree Policy.

6.2 *Legal*

There will be no legal implications in the revised policy.

6.3 *Risk*

The risk is that if the Tree Policy is not adopted the council may be liable for legislation breaches.

Non adoption will impact on the councils status as a “Tree city of the World”.

6.4 *Human Rights, Public Sector Equality Duty and Community Cohesion*

This report has been subject to an initial Impact Assessment (IA), which accompanies this report (see Appendix 2). This identifies that a full IA is not necessary.

6.5 *Climate Change / Environmental*

There will be no detrimental impact on climate change/Environmental issues in adopting the proposed revised Tree Policy.

6.6 *Children and Young People Cared for by the Authority and Care Leavers*

There will be no impact in relation to adopting the proposed revised Tree Policy.

6.7 *Data Protection / GDPR*

There will be no Data Protection/GDPR implications in adopting the proposed revised Tree Policy.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Upload the new agreed Policy to replace the current online version.	Richard Ward	March 2024

Appendices

1	Revised Tree Policy (November 2023)
2	Initial Impact Assessment
3	

Background papers

Body	Report title	Date

Contact:
Email:

MIDDLESBROUGH COUNCIL TREE POLICY

Policy Criteria

1. This policy sets out the criteria for the inspection regime and Planning Considerations which Middlesbrough Council will adopt in respect of those trees for which it has a legal responsibility. The policy also explains how the Council will deal with complaints in respect of those trees, details the legislation on which the policy criteria is based and sets out how disputes in terms of complaint resolution will be dealt with.

Legislation

2. The Forestry Act (1967) require certain permissions and licenses to be granted where the felling of trees is proposed and such felling is deemed to require such permissions or licenses. The Council will ensure that any proposed felling is fully compliant with the requirements of the Forestry Act.
3. Tree Preservation Orders (TPO's) are created by the Local Planning Authority, in respect of trees or woodland, which are considered to have a significant impact on the amenity of a local area.
4. In addition to those trees protected by a Tree Preservation Order, the Town and Country Planning Act (1990) also makes special provision for trees in conservation areas.
5. The Wildlife & Countryside Act (1981, as amended CROW Act 2000) states that it is illegal to intentionally or recklessly damage or destroy the nest of a wild bird while that nest is in use or being built.
6. In addition to the above legislation, bats and their roosts are also protected by the The Conservation of habitats and Species Regulations 2010.
7. The Hedgerows Regulations (1997) introduced new arrangements for local planning authorities in England and Wales to protect important hedgerows in the countryside. Part 8 of the Anti-social Behaviour Order Act (2003) gives Local Authorities the powers to deal with complaints or disputes about high hedges affecting residential properties.

Planning Considerations

8. The Government's national town planning policy originates from the 2012 National Planning Policy Framework (NPPF). Therein, section 11 sets out how the planning system should enhance the natural environment by protecting valued landscapes and recognising the benefits of the ecosystem and biodiversity, sustainability and the need to protect important trees.
9. The Middlesbrough Local Plan (2014) incorporates the Government's stance in the Council's planning policies for new development. The principal development policies, DC1, CS4 and CS5, require all new development to minimise the effect on the environment, protect landscape character and achieve quality of design.

The Council's Planning service will:

- Seek, wherever possible, to retain appropriate trees on any new development.
- Seek to retain preserved (TPO) or protected (conservation areas) trees unless there are overriding reasons for their removal.
- Ensure appropriate replanting takes place to replenish a site in the event of the need to remove trees.

Inspection Regime

Trees on the Adopted Highway

10. The Council will inspect all individual trees that are either on the public adopted highway, or are within public open space but within falling distance of a public adopted highway; this includes street trees within the Town Centre.
11. These inspections will be carried out in order to establish the condition of the individual trees and to identify any urgent remedial treatments.

Trees on Public Open Spaces and Play Areas

12. Trees on public open spaces and play areas, that are not within falling distance of the adopted highway, will also be inspected using the same criteria as trees on the adopted highway in order to establish their condition and identify any urgent remedial treatments.

Trees within Parks, Cemeteries and Woodlands

13. Middlesbrough has some large and extensive Parks, Cemeteries and Woodland areas that are the responsibility of the Council.
14. Trees within Parks, Cemeteries and Woodlands that are on or within falling distance of footpaths, public rights of way or clearly defined publicly accessed areas will be individually inspected using the same methodology for trees on adopted highways and trees on open spaces.
15. As many of the trees in these locations are in wild areas, not easily accessed by the public, an increased risk should be understood by users and accepted by the Council. Individual inspections of these trees will not be necessary, practical or desirable and a general visual inspection of these areas will be carried out.
16. All of the above inspections will be carried out as part of a rolling five-year inspection programme and/or on a reactional basis.

Hedges and Hedgerow inspection

17. Hedges and Hedgerows do not form part of the Tree Policy five year inspection regime but will be inspected on an Ad-Hoc basis.

Criteria for Tree Felling

18. Trees are an important part of the Middlesbrough environment and provide enjoyment, visual attractiveness and important wildlife habitats. The Council will not fell or prune any tree without good reason. The Council will avoid felling trees unless it is absolutely necessary and each case will be carefully judged on its merits.
19. It is illegal to intentionally or recklessly damage or destroy the nest of a wild bird while that nest is in use or being built.
20. Bats and their roosts are also protected by the Conservation of habitats and Species Regulations 2010. A roost is any structure or place used by bats for shelter or protection. Bats tend to reuse the same roost year after year so the roost is protected whether the bat is present or absent. Bats use a variety of roost that can include trees.
21. It is illegal to intentionally kill, injure or disturb bats, destroy or obstruct access to roosts, to intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for

that purpose and to damage or destroy a breeding site or resting place of a bat.

22. The Council will carry out surveys to check for the nesting of birds and the presence of bats or bat roosts prior to any tree management or maintenance work. It is unlikely that any felling or work would be carried out, unless in exceptional circumstances, between the end of March and the beginning of September.

23. Felling may be considered where a tree is:

- Dead, dying or infected by a disease that has a significant detrimental impact on the host.
- A danger to public safety.
- Causing an obstruction to a public highway, right of way, access to property or footpath.
- Proven as a major contributor to serious structural damage to buildings or infrastructure.
- Clearly of a size and species deemed by the Authority to be inappropriate to their situation.
- In an area which is designated for development or redevelopment.

24. Any proposals for the removal of trees will take full account of all of the relevant legislation mentioned earlier in this document.

Tree Planting

25. Where any future Tree Planting is proposed, consideration must be given to the species, size and location to ensure that the tree is suitable, throughout its life, for the chosen location. 5

Criteria for Pruning of Trees

26. The Council will not fell or prune trees due to falling leaves, blossom, fruit, sap or mildew. This is a seasonal occurrence that is considered an inconvenience and not a nuisance.

27. Pruning can weaken the structure of trees and should be avoided unless absolutely necessary. The Council may undertake, or permit the pruning of trees where:

- Tree branches cause an obstruction by growing low over a public highway, public right of way, footpath or access to a property and over gardens or open spaces where the public has access.
- A tree may be contributing to structural damage.
- A tree restricts repairs and maintenance to property or infrastructure.
- A tree which is growing close to and obstructing / interfering with street lighting and other service equipment.
- Trees which are obstructing the highway, highway signage or sight lines at road junctions / access points.
- Trees require pruning to shape or train them during their formative years.
- Trees which restrict routine maintenance of Council owned areas.
- Dead or diseased material is being removed in order to make the tree safe

28. The criteria for birds and bats, as described above, will apply equally to tree pruning works. The Royal Horticulture Society guidelines require that deciduous trees should be pruned in either autumn or late winter. Certain trees, i.e. Prunus are best pruned in early spring whilst the sap is rising as they can suffer from silver leaf disease, and pruning after the winter is advantageous in attacking the disease.

29. Evergreen trees should not require pruning but diseased and dead branches are best pruned in late summer or early autumn. These criteria will be applied to all proposed pruning works where

possible.

Criteria for Trees under Tree Preservation Orders

30. Tree Preservation Orders (TPO's) are created by the Local Planning Authority, in respect of trees or woodland that are considered to have a significant impact on the amenity of a local area. It is a criminal offence to cut down, uproot, top, lop, wilfully damage or wilfully destruct any tree protected by a TPO.
31. Landowners must formally apply for the consent of the Local Planning Authority before undertaking any works to a tree protected by a TPO. The Council may prosecute any individual found to have contravened a TPO.
32. The Senior Area Care Manager (Arbor) will provide advice to the planning officer on the condition of such trees and the decisions on any proposal to fell. As part of the inspection process veteran trees or examples of rare species that are of interest biologically, culturally or aesthetically will be identified and consideration will be given as to the creation of TPO's for such trees.

Criteria for Trees in Conservation Areas

33. In addition to those trees protected by a Tree Preservation Order, the Town and Country Planning Act (1990) also makes special provision for trees in conservation areas. Under section 211 of the Act, anyone proposing to carry out work on a tree in a conservation area is required to give the Local Planning Authority six weeks notice.
34. This notice allows the Planning Authority time to consider whether the creation of a TPO is appropriate for the subject trees. Again, The Senior Area Care Manager (Arbor) would provide the necessary advice on the specific tree(s) and advise as to whether the creation of a TPO is appropriate.

Criteria for Right to Light

35. Where trees within an urban environment are blocking light into a property there is no legal 'right to light'. The tree owner is not by law obliged or required to carry out work to the tree for the benefit of level of light inclusive of solar panels. This is the position adopted by the Council.

Criteria for Television, Satellite and Telecommunications Reception

36. The Council will not prune or remove trees due to poor TV, satellite or telephone reception. In most cases relocating the aerial or satellite dish or having a booster to improve the reception can significantly improve the situation.

Criteria for Hedges and Hedgerows (Urban and Rural)

37. Hedgerows provide valuable habitats in their own right and act as wildlife corridors and therefore should be maintained to ensure their conservation value. Where hedges are to be cut this will take place outside the bird nesting season and seeds / fruit will be left as a winter food source.
38. Hedges may be managed by gapping up where appropriate, allowing for a diverse species mix and permit tree growth within the hedge. Diverse Wildlife and Fauna will be encouraged at the base of hedges. To encourage this, the Hedge base vegetation may be left unmanaged
39. The Hedgerows Regulations (1997) mainly relate to hedgerows that are used for agriculture or forestry, however garden hedges are not affected by these Regulations. The Council will adhere to these regulations at all times.

protected hedges and the Senior Area Care Manager (Arbor) will provide advice to the planning officer in these cases.

40. Where hedges, which are not the Council's responsibility, are causing damage to or overhanging Council property, the Council may take action using the appropriate 7 legislation to ensure the landowner carries out remedial action to rectify the problem.

Criteria for High Hedges (Residential)

41. In accordance with Part 8 of the Anti-social Behaviour Order Act (2003), the act states that on the proviso that they have tried and exhausted all other avenues for resolving their dispute, householders can take their complaint about a neighbour's hedge to their Local Authority.
42. To constitute a valid complaint the subject hedge must have a height greater than two metres, be made up of two or more evergreen trees or shrubs and be located on land owned by someone else.
43. The Council's role is to act as an independent and impartial adjudicator in those cases where people cannot settle the dispute for themselves. The Council cannot therefore negotiate or mediate between two disputing neighbours.
44. If a solution cannot be agreed the Council can provide further information about the procedure for making a formal complaint. The Council does, however, reserve the right to reject a complaint if it is considered that not everything has been done to negotiate a solution to a particular hedge problem. The Senior Area Care Manager (Arbor) may provide advice to the planning officer on such disputes.
45. As with rural hedgerows, where residential hedges that are not the Council's responsibility are causing damage to or overhanging Council property, the Council may take action using the appropriate legislation, to ensure the landowner carries out remedial action to rectify the problem.

Criteria where Trees or Hedges are causing damage to property

46. Trees or hedges may cause damage if they are too close to buildings and infrastructure, therefore, all cases of alleged damage will need to be investigated by a qualified independent Structural Engineer at the expense of the claimant to ascertain whether the tree or hedge is the actual cause of the damage. Claims against the Council should be accompanied by an independent Structural Engineers report.
47. Where trees or hedges, which are the responsibility of the Council, are identified as causing damage to property or infrastructure appropriate remedial action will be taken in accordance with this policy.

Criteria for Disputes

48. The Council will not accept presumption of damage. Members of the public who have concerns in respect of trees or hedges causing damage to their property or infrastructure will be required to obtain an independent 'Structural Engineers Report' at their own expense to ascertain whether the tree or hedge is actually causing damage.
49. In cases where a member of the public is dissatisfied with the Council's decision in relation to a specific tree or hedgerow problem the complainant can obtain and 8

provide the Council with a qualified arborist's report at their own expense in relation to the specific issue which will then be further considered by the Council who reserve the right to make the final decision.

50. The above reports may inform the decision as to whether to allow tree or hedgerow works to take place, however, in all cases the tree or hedge will be retained if at all possible.
51. Where such a report demonstrates that tree or hedgerow work could be carried out over and above that which would be undertaken by the Council, for those reasons outlined within this policy and without any detriment to the tree stock, wildlife, or the amenity value in the local area, then the Council will give consideration to an application from the complainant to undertake such works at their own expense.
52. Where consent is given such works can be undertaken, by a suitably qualified contractor, with written agreement from the Council and at the complainant's expense.
53. In cases where a member of the public remains dissatisfied with the Council's decision, in relation to a specific tree or hedgerow problem, a challenge to the decision can be made to the Director of Environment.
54. In all cases where an individual or an organisation is deemed to have removed, damaged, or carried out works to a tree or hedge without the required permission, or damaged a wildlife habitat, the Council will take appropriate action against that individual or organisation using the relevant legislation.

55. Supporting Information:

- • Middlesbrough Council Arboricultural Specification (link to the website location)
- • Middlesbrough Council Tree Planting Specification (link to the website location)

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Impact Assessment Level 1: Initial screening assessment

Subject of assessment:	Middlesbrough Council Tree Policy (amended November 2023)			
Coverage:	Service Specific			
This is a decision relating to:	<input type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function
	<input type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input type="checkbox"/> Project	<input checked="" type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
It is a:	New approach:	<input type="checkbox"/>	Revision of an existing approach:	<input checked="" type="checkbox"/>
It is driven by:	Legislation:	<input type="checkbox"/>	Local or corporate requirements:	<input checked="" type="checkbox"/>

<p>Description:</p>	<p>Insert short description, using the following as sub-headings:</p> <ul style="list-style-type: none"> Key aims, objectives and activities To review and update Middlesbrough Councils Tree Policy in relation to changes in legislation to ensure they are all current and still relevant to the policy. It also looked at any ambiguities from the previous policy and clarified the council position. The policy now also takes into consideration any advancements in technology not included in the previous version, i.e. solar panels and modern telecommunications. There is also a new section on planning taking into consideration any new housing developments. <p>There is also an important change to the policy introducing a revised element in the disputes section (previously point 55, now point 56) of the policy.</p> <p>Following Legal advice, “An appeals process that goes to the Executive Member is not appropriate and I would go so far as to say that it is ultra vires, which could lead to the determination of the Executive Member being Judicially Reviewed as acting beyond their power”, the new policy removes the decision for members of the public in special circumstances to seek the view of the Executive Member for Environment in respect of tree disputes. This will protect the respective Executive Member from being Judicially Reviewed as acting beyond their power.</p> <p>Members of the public will still be given the right of appeal, however, they will now be advised to appeal to the Director of Environment and Community Services for any such disputes.</p> <p>Statutory drivers (set out exact reference)</p> <p>There are a number of statute laws (Acts) that affect arboriculture, namely: Anti-social Behaviour Act 2003, Highways Act 1980, Local Government (Miscellaneous Provisions) Act 1976, Access to Neighbouring Lands Act 1992, Town and Country Planning Act 1990, Tree preservation Orders, Nesting birds and the Occupiers Liability Act. As the landowner, Middlesbrough Borough Council also has a statutory obligation to inspect and manage its tree stock. The tree owner or manager has a ‘common law’ duty of care to: ‘take reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to injure their neighbour’. In practice this means that if a tree fails and causes damage to a person or property then the tree owner may be liable.</p> <ul style="list-style-type: none"> Differences from any previous approach The policy review looked at changes in legislation to ensure they are all current and still relevant to the policy. It also looked at any ambiguities from the previous policy and clarified the council position. The policy now also takes into consideration any advancements in technology not included in the previous version, i.e. solar panels and modern telecommunications. There is also a new section on planning taking into consideration any new housing developments. <p>There is also an amendment in point 56 of the report which removes the right of appeal to the Executive member and replaces it with a right of appeal to the Director of Environment and Community Services, thus reducing the exposed risks to the Executive Member for Environment.</p> <ul style="list-style-type: none"> Key stakeholders and intended beneficiaries (internal and external as appropriate) The key stakeholders are Environmental Services, Residents and Members. Intended outcomes. By reviewing the Tree Policy the authorities Arboricultural Officer/representative will give more clarity and remove any ambiguity in relation to queries and officers responses, hopefully resulting in a better understanding and outcome(s) for all concerned. To give further clarity in relation to tree enquiries, supporting both the authority, stakeholders and residents. It also looks to protect the Executive Member for environment whilst still giving a right of appeal.
<p>Live date:</p>	<p>November 2023.</p>

Lifespan:	5 years (in line with Middlesbrough Councils 5 year tree inspection schedule)
Date of next review:	N/A

Screening questions	Response			Evidence
	No	Yes	Uncertain	
Human Rights Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are no concerns that the proposals could impact adversely on human rights. Evidence used to inform this assessment includes analysis of staff demographics, engagement to date with staff and analysis of current service provision. Feedback from the budget consultation process which found no concerns in relation to human rights.
Equality Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Public Sector Equality Duty (PSED) requires that when exercising its functions the Councils must have due regard to the need to:- <ul style="list-style-type: none"> eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. In having due regard to the need to advance equality of opportunity, the Council must consider, as part of a single equality duty: <ul style="list-style-type: none"> removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it; and encouraging people who share a protected characteristic to participate in public life or in any other activity in which participation is low. Evidence used to inform this assessment includes analysis of demographics, engagement to date with staff and analysis of current service provision.

* Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.

Screening questions	Response			Evidence
Community cohesion Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Not applicable. There are no concerns that the proposal could have an impact on community cohesion.</p> <p>There is no evidence to indicate that service users and / or the wider community have any concerns about the impact of the proposals on community cohesion.</p> <p>However, consultation on this proposal is underway and if there are any community cohesion concerns identified within that process, this will be considered within a stage 2 impact assessment.</p> <p>Evidence used to inform this assessment includes feedback from the budget consultation and additional engagement undertaken by the service which found that...</p>
Next steps: <p>➡ If the answer to all of the above screening questions is No then the process is completed.</p> <p>➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.</p>				

Assessment completed by:	Craig Coverdale	Head of Service:	Andrew Mace
Date:	01 April 2022	Date:	01 April 2022

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MIDDLESBROUGH COUNCIL	
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Report of:	Interim Director of Finance
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Relevant Executive Member:	Executive Member for Finance and Governance
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Submitted to:	Executive
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Date:	17 January 2024
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Title:	Council Tax Reduction Scheme 2024/25
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Report for:	Decision
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Status:	Public
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Strategic priority:	Vulnerability
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Key decision:	Not applicable
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Why:	Not applicable
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Subject to call in?:	Yes
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Why:	Not Urgent
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Proposed decision(s)
That Executive endorses the Council Tax Reduction (CTR) scheme for 2024/25 and refers it to Council for approval.

Executive summary
<p>This report sets out the proposed Council Tax Reduction (CTR) scheme (sometimes referred to as Council Tax Support) for 2024/25. Each Billing Authority in England has a statutory requirement to design and locally fund a Council Tax Reduction scheme no later than 11 March each year, which is approved by a full Council decision.</p>

The proposed amendments are;

- I. Care Leavers; the inclusion of the cost of support for Care Leavers into the Collection Fund from the General Fund which is a technical adjustment. The adjustment has no impact on the support available to Care Leavers, which remains unchanged and means that the cost will be shared between all precepting authorities as with other reductions, discounts, and exemptions from Council Tax.
- II. Childcare cost element; it is proposed that this element be disregarded as income within the Council Tax Reduction scheme. This will increase the support to those households with children who take paid employment.

These recommendations are proposed to further assist low-income households and support the collection of council tax whilst remaining affordable for the Council. The proposed scheme had been subject to consultation between 9 October and 5 November 2023 and the response shows that 54.54% agree or strongly agree, whilst 18.18 are neutral.

As well as the proposed amendments it is also recommended that the schemes income bandings are subject to the annual inflation uplift to reflect the rate of inflation for working age benefits so that the current level of support for claimants is maintained and continues to provide appropriate support for the towns financially vulnerable residents.

It is therefore requested that the Executive endorses the proposals and refers the Council Tax Reduction (CTR) scheme for 2024/25 to Council for consideration and approval.

Purpose

- 1. To seek approval of the Council Tax Reduction (CTR) scheme for 2024/25.

Recommendations

- 2. The Executive endorses the Council Tax Reduction (CTR) scheme for 2024/25 and refers to Council for approval of the scheme to include:
 - An inflationary uplift to the scheme’s income bandings.
 - Includes the cost of support for Care Leavers into the Collection Fund from the General Fund;
 - Disregard the childcare element of Universal Credit as ‘income’ within the Council Tax Reduction Scheme.

Rationale for the recommended decision(s)

- 3. The proposed amended scheme will further assist low-income households and support the collection of council tax whilst remaining affordable for the Council to provide.

Background and relevant information

4. CTR was introduced by Central Government in April 2013 as a replacement for the Council Tax Benefit scheme that was administered on behalf of the Department for Work and Pensions (DWP). As part of the introduction, the Government placed the duty to create a local scheme for working age claimants with Billing Authorities.
5. Middlesbrough Council, as the billing authority, has a statutory requirement to revise or design and fund a CTR scheme by no later than 11 March each year which is approved by a Full Council decision.

Current Scheme

6. In 2022/23 the Council moved to an income-banded scheme, away from the previous complex means-tested schemes, to simplify the claiming process and reduce the administrative burden. The simplification of the scheme avoided the need for multiple in-year changes, thereby reducing overall costs associated with the recalculation of instalments and in turn supporting the collection of Council Tax.
7. The scheme implemented a 90% maximum discount, with lower discount bands of 72%, 36% and 23%, aligned to the level of net weekly income and makeup of each household (up to 2 dependants).
8. The current scheme remained unchanged apart from an inflationary uplift for 2023/24 to the income bandings to reflect the inflation increase applied to working age benefits, to maintain the level of support for residents due to the Cost of Living and Energy crises.

Proposed Approach for the 2024/25 Council Tax Reduction Scheme

9. It is proposed that the current income-banded scheme be retained for 2024/25 noting the proposed amendments. It is also proposed that the scheme income bandings are increased in line with inflation.
10. On 22 November 2023, the Chancellor announced in the Autumn Statement that benefits including Universal Credit and working age benefits would increase in line with inflation at 6.7% from April 2024.
11. This increase in income from benefits due to the inflation uplift could mean a lower discount rate band applies, based on the existing CTR income ranges set, and result in a reduction in the level of support, which for some households would add in excess of £300.00 per year to their bill.
12. The CTR scheme provides for income band ranges to be increased “by the appropriate level of inflation decided by the council”. It is therefore proposed to adjust the income band ranges for 2024/25 to reflect the inflation increase applied to state benefits and thereby maintain the level of support for applicants.
13. The weekly income ranges for the current 2023/24 CTR scheme are as follows:

Discount Band	Discount	Single Person	Single person with one child	Single person with two or more children	Couple	Couple with one child	Couple with two or more children
Band 1	90%	£0 - £110.10	£110.11 - £176.16	£176.17 - £242.22	£242.23 - £154.14	£154.15 - £225.71	£225.72 - £286.26
Band 2	72%	£0 - £198.18	£198.19 - £264.24	£264.25 - £324.80	£324.81 - £264.24	£264.25 - £309.38	£309.39 - £374.34
Band 3	36%	£0 - £236.72	£236.73 - £280.76	£280.77 - £385.35	£385.36 - £319.29	£319.30 - £352.32	£352.33 - £440.40
Band 4	23%	£0 - £280.76	£280.77 - £308.28	£308.29 - £495.45	£495.46 - £374.34	£374.35 - £407.37	£407.38 - £528.48
	0%	Over £280.76	Over £308.28	Over £495.45	Over £374.34	Over £407.37	Over £528.48

14. The proposed new weekly income ranges for 2024/25 are as follows:

Discount Band	Discount	Single Person	Single person with one child	Single person with two or more children	Couple	Couple with one child	Couple with two or more children
Band 1	90%	£0 - £117.48	£0 - £187.96	£0 - £258.45	£0 - £164.47	£0 - £240.83	£0 - £305.44
Band 2	72%	£117.49 - £211.46	£187.97 - £281.94	£258.46 - £346.56	£164.48 - £281.94	£240.84 - £330.11	£305.45 - £399.42
Band 3	36%	£211.47 - £252.58	£281.95 - £299.57	£346.57 - £411.17	£281.95 - £340.68	£330.12 - £375.93	£399.43 - £469.91
Band 4	23%	£252.59 - £299.57	£299.58 - £328.93	£411.18 - £528.65	£340.69 - £399.42	£375.94 - £434.66	£469.92 - £563.89
	0%	Over £299.57	Over £328.93	Over £528.65	Over £399.42	Over £434.66	Over £563.89

15. The cost of implementing the new ranges has been modelled and estimated at c£180,000 against the current CTR scheme expenditure. Due to the variables contained within the scheme, the actual cost may alter according to prevailing individual circumstances.

16. In addition to the uplift in income bandings the following amendments are proposed for 2024/25 - (option 2 in the table at paragraph 22):

- I. **Care Leavers:** Inclusion of the cost of support for Care Leavers into the Collection Fund from the General Fund which is essentially a technical adjustment. The adjustment has no impact on the support provided to Care Leavers within the scheme, this remains unchanged.
- II. **Childcare Cost Element:** A payment to reimburse part of the eligible costs of childcare while the parent is at work. Financial support is provided for childcare costs within the Universal Credit calculation. The element is provided to offset part of the cost of childcare expenses incurred by claimants. It is proposed that this element be disregarded as income within the Council Tax Reduction scheme. This has the effect of supporting those households with children taking paid employment. If approved, those in receipt Council Tax Reduction awards would be automatically increased where appropriate from 1 April 2024. Those currently not claiming Council Tax Reduction, who potentially may be entitled, would need to apply.

17. Work has been undertaken throughout this year to analyse the implications of various scheme options and amendments. The amendments recommended in paragraph 16 have been subject to consultation with the public and the major precepting authorities.

Consultation Process

18. On the 9 October 2023, the Executive approved that the proposed scheme progress to consultation. Public consultation was open from 9 October 2023 to 5 November 2023 and publicised by way of multiple social media posts and advertisement on numerous pages on the Council’s website - which provided a direct link to the consultation form. Details about the consultation were included within the Council’s resident e-newsletter.

- 19. The results suggested that the majority of respondents in general support the options presented, with 54.54% agreeing or strongly agreeing, and 18.18% neutral.
- 20. A summary of the results from the 44 completed public surveys can be found in Appendix B.
- 21. As part of the public consultation the major precepting authorities (Police and Crime Commissioner and the Fire Authority) were directly contacted and have been informed of the proposed changes.

Other potential alternative(s) (and why these have not been recommended)

22. The full list of options considered prior to consultation were as follows:

OPTION	£m	Proposed	Reason
1. No Change	0.00	No	Existing scheme counts allowances for childcare costs in Universal Credit as income, disadvantaging some taking paid employment.
2. 90% amended: <ul style="list-style-type: none">Care Leavers into Collection Fund with current level of support maintained;And for those in receipt of Universal Credit, disregard the childcare costs element as income	(0.021)	Yes	Improves the support and fairness of the current scheme whilst remaining affordable for the council. NB only the childcare cost element will be subject to consultation.
3. 95% scheme	3.15	No	The council is unable to meet this additional cost within the current budget position.
4. 100% scheme	4.0	No	The council is unable to meet this additional cost within the current budget position.
5. 90% with band uplift	0.442	No	The council is unable to meet this additional cost within the current budget position.

- 23. Option 1 - to leave the existing scheme in place. This is not recommended as the existing scheme counts allowances for childcare costs in Universal Credit as income, disadvantaging some people who undertake paid employment.
- 24. Options 3 and 4 - enhance or increase the scheme to a 95% or 100% maximum discount scheme respectively. This is not recommended as the associated cost (c£3.15 million for a 95% scheme and c£4 million for a 100% scheme) is disproportionately high. The increased cost to the General Fund budget is a significant pressure that is unaffordable given the Council’s current financial position.
- 25. Option 5 provides an uplift in the amount of CTR awarded for those in the lower discount brackets, whilst maintaining a maximum support level of 90%. The c£442k cost of this option, however, is also considered to be unaffordable in the Council’s current financial situation.

Impact(s) of the recommended decision(s)

Financial (including procurement and Social Value)

26. The current CTR scheme annual budget is £20m, which is allocated to the Council’s Collection Fund. Costs are shared between the Council and the major precepting authorities as shown below.

Major Precepting Authorities	% Cost Share	£m Cost Share
Middlesbrough Council	84%	16.8
Police & Crime Commissioner	12%	2.4
Fire	4%	0.8

27. The proposed scheme was costed on the number of active claims as of July 2023. It is not possible to estimate the impact to the scheme brought about by changes to claimants’ circumstances or unforeseeable events.

28. To uplift the schemes income bandings, it is anticipated that the total cost to the Council for its share will be c£151,000 and this will be factored into the updated Medium Term Financial Plan in February 2024.

29. The overall cost of the proposed amendments to the scheme are shown below:

Proposal	Budget Implication	£m
Inclusion of support for Care Leavers to be met by the Collection Fund not the General Fund.	Cost of the Care Leavers is £131,000 by moving this to the collection fund and sharing the cost with the precepting authorities, this will generate an estimated saving of £21,000 to the Council (From Consultation)	(0.021)
Those in receipt of Universal Credit to have the childcare costs element disregarded as income.	An estimated cost of £50,000 to the CTR scheme – which would lead the council to pay £42,000 which is the Council’s precepting share. (From Consultation) .	0.042
Uplifting the scheme’s income bandings	Cost is c£180,000 of which the estimated cost to the Council £151,000. (No requirement to Consult) .	0.151
Total net increase in scheme cost		0.172

30. After adjusting for the precepting authorities within the Collection Fund, the cost to the Council is £172,000. This will impact the Collection Fund in 2024/25 and General Fund budget in 2025/26 as this is the next time the Council can precept on the Collection Fund, after the change has been made.

31. The Collection Fund is legally separate from the Council’s General Fund and equates to all the income received from Council Tax and Business Rates less specific eligible costs. As a result, the actual performance of the Collection Fund in terms of actual collection compared to that planned is considered in terms of the annual surplus or deficit to the Collection Fund. The impact on the Council’s General Fund budget is then

assessed each year at budget setting. Any other revenue income is payable into the Council's General Fund.

32. The impact of the CTR scheme is to reduce the overall total income to the Collection Fund by decreasing individual Council Tax bills to reflect a resident's ability to pay in accordance with the CTR scheme criteria. Normally the impact of the CTR will reduce any overall surplus or increase deficit on the Collection Fund, which would lead to a reduced share of income being available to fund the Council's General Fund Budget.
33. For Council Tax, the Council is the billing authority for the local area and collects income on behalf of itself, the Police and Crime Commissioner and the Fire Authority. Any financial implications of the Collection Fund need to be shared based on their overall budget demands. At present these shares are 84%, 12% and 4% respectively. The Council can only precept once each financial year on the Collection Fund and this is done as part of the annual budget setting process in February each year and therefore there is a time delay in feeding in the actual performance of any particular financial year into the financial planning of the next financial year. For example, the 2022/23 outturn on the Collection Fund is fed into 2024/25 General Fund budget setting.

Legal

34. Paragraph 5, Schedule 1A of the Local Government Finance Act 1992 states that for each financial year, each billing authority must consider whether to revise its scheme or to replace it with another scheme. The authority must make any revision to its scheme, or any replacement scheme, no later than 11 March in the financial year preceding that for which the revision or replacement scheme is to have effect.
35. Paragraph 3, of the Act, applies to an authority when revising a scheme as it applies to an authority when making a scheme:
- I. consult any major precepting authorities which has power to issue a precept to it;
 - II. publish a draft scheme in such manner as it thinks fit and;
 - III. consult such other persons as it considers are likely to have an interest in the operation of the scheme.
36. The Local Government Finance Act 2012 inserted into section 67 of the LGFA 1992 (Functions to be discharged by the Authority) making or revising a CTR scheme, and Section 5 (2) of Schedule 1A requires that each billing authority in England must make a CTR scheme by no later than 11 March each year. The above legislation states that the authorisation of the full scheme is subject to Council approval.

Risk

37. The scheme supports the delivery of the Council's strategic priority to reduce poverty as set out in the Council Plan 2024-2027. The CTR scheme will enable residents to pay their required Council Tax instalments which, in turn, will mean that the Council has funding to work with communities and other public services in Middlesbrough to improve the lives of local people.

38. The implementation of a local CTR scheme ensures that there is adequate governance in place to comply with all relevant legislation and the Council does not breach governance requirements or fail to deliver organisational priorities (Risk 08-054). In addition, by reviewing the scheme annually, the Council continues to effectively review and amend the scheme to comply with legislative changes (Risk 08-055).

Human Rights, Public Sector Equality Duty, and Community Cohesion

39. There are no disproportionate adverse impacts on any group or individuals with characteristics protected in UK equity law. The previous impact assessment carried out when the scheme was revised for 2022/23 is still relevant.

Climate Change / Environmental

40. There are no disproportionate adverse impacts on the aspirations of the Council to achieve net zero, net carbon neutral or be the lead authority on environmental issues.

Children and Young People Cared for by the Authority and Care Leavers

41. The current scheme provides support for Care Leavers, the proposal is for the cost of the support to be allocated to the Collection Fund rather than the General Fund. This change has no impact on the support available to Care Leavers, it does however share the cost of the support with the Precepting Authorities.

Data Protection / GDPR

42. The collation and use of personal data will be managed in accordance with the Council's Data Protection policy and the Benefits, Council Tax and Business Rates Privacy Notice [Privacy notice - Housing Benefit and Council Tax Reduction | Middlesbrough Council](#)

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
The CTR scheme will be updated as outlined above. Subject to Full Council approvals. The scheme for 2024/2025 will be published on the Council's website by 31 March 2024.	Janette Savage	31 March 2024

Appendices

A	2024-25 Proposed Council Tax Reduction Scheme, S13A and Schedule 1a of the Local Government Finance Act 1992 (to follow)
B	A summary of the public consultation survey results (attached)

Background papers

No background papers were used in the preparation of this report.

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**Middlesbrough Council
Council Tax Reduction Scheme
S13A and Schedule 1a of the Local Government Finance Act 1992**

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1.0 Introduction to the Council Tax Reduction Scheme

- 1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period from 1st April 2024.
- 1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2024 for a period of one financial year.
- 1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:
- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
 - Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
 - Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
 - Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
 - Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
 - The Council Tax Reduction Schemes (England) (Amendment) Regulations 2017;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022;
 - The Council Tax (Demand Notices and Reduction Schemes) (England) (amendment) Regulations 2022;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023; and
 - Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

The scheme for pension age applicants – Central Government’s scheme as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012

- 1.4 There are three main classes under the prescribed pension credit age scheme, for each of which there are a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction, such as a person subject to immigration control with limited leave to remain. The definition of a pension credit age person is a person who;
- (a) has attained the qualifying age for state pension credit; and
 - (b) is not, or, if he has a partner, his partner is not;
 - i. a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance; or
 - ii. a person with an award of universal credit

The three prescribed classes are as follows;

Class A: pensioners whose income is less than the applicable amount.

On any day Class A consists of any person who is a pensioner:

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- (c) who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- (d) whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 9 and Schedule 2 of the Local Government Finance Act 1992;
- (e) not have capital savings above £16,000; and
- (f) who has made an application for a reduction under the authority's scheme.

Class B: pensioners whose income is greater than the applicable amount.

On any day class B consists of any person who is a pensioner:

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- (c) who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- (d) whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 9 and Schedule 2 to the Local Government Finance Act 1992;
- (e) in respect of whom amount A exceeds amount B where:
 - (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant's case; and
 - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount;
- (f) not have capital savings above £16,000; and
- (g) who has made an application for a reduction under the authority's scheme.

Class C: alternative maximum Council Tax Reduction

On any day class C consists of any person who is a pensioner:

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum Council Tax Reduction amount can be calculated;
- (d) who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the 1992 Act and excluded from the authority's scheme;
- (e) who has made an application for a reduction under the authority's scheme; and
- (f) in relation to whom the condition below is met.

The condition referred to in sub-paragraph (f) is that no other resident of the dwelling is liable to pay rent to the applicant in respect of the dwelling and there is an alternative maximum Council Tax Reduction in respect of the day in the case of that person which is derived from the income, or aggregate income, of one or more residents to whom this sub-paragraph applies.

The above applies to any other resident of the dwelling who:

- (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;

- (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
 - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- (d) is not a person who, jointly with the applicant, falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- (e) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Disregard of certain incomes

1.5 For those who have reached the qualifying age for state pension credit, the Council has resolved to enhance the government scheme (as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 to disregard in full the following:

- (a) a war disablement pension;
- (b) a war widow's pension or war widower's pension;
- (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of His Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (d) a guaranteed income payment;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
- (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

The provisions outlined above, enhance the Central Government's scheme.

THE SCHEME FOR WORKING AGE APPLICANTS – THE COUNCIL'S LOCAL SCHEME

1.6 The adopted scheme for working age applicants is an income band scheme means test, which compares income against a range of discounts available. Full details of the working age scheme of the authority are contained within this document from section 2 onwards. The authority is required to specify a scheme for working age and therefore this scheme only applies to a person who;

- (a) has not attained the qualifying age for state pension credit; or
- (b) has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance, on an income-related employment and support allowance or on universal credit.

1.7 The Council has resolved that there will be **two** classes of persons who will receive a reduction in line with adopted scheme. Working age applicants must not be of a prescribed class exempted from reduction. The majority of working age applicants will receive a reduction as calculated in this document (Class D). The Council has a class for care leavers (Class E) which is defined within Schedule 4.

Class D

To obtain reduction the individual (or partner) must:

- (a) have not attained the qualifying age for state pension credit; or
- (b) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- (c) be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- (d) is not deemed to be absent from the dwelling;
- (e) not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- (f) be somebody in respect of whom a maximum Council Tax Reduction amount can be calculated;
- (g) not have capital savings above £10,000;
- (h) not have income above the levels specified within the scheme;
- (i) be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income* is within a range of incomes specified within Schedule 1; and
- (j) has made a valid application for reduction.

Class E

To obtain reduction the individual must:

- (a) be a defined care leaver and under the age of 25;
- (b) be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- (c) is not deemed to be absent from the dwelling;
- (d) not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- (e) be somebody in respect of whom a maximum Council Tax Reduction amount can be calculated; and
- (f) has made a valid application for reduction.

Council Tax Reduction Scheme

**Details of reduction to be given for working age applicants for the financial year
2024/25**

2.0 Interpretation – an explanation of the terms used within this policy.

2.1 In this policy–

‘the 1992 Act’ means the Local Government Finance Act 1992;

‘the 2000 Act’ means the Electronic Communications Act 2000;

‘Abbeyfield Home’ means an establishment run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society;

‘adoption leave’ means a period of absence from work on ordinary or additional adoption leave by virtue of section 75A or 75B of the Employment Rights Act 1996;

‘an AFIP’ means an armed forces independence payment payable in accordance with an armed and reserve forces compensation scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004

‘applicant’ means a person who the authority designates as able to claim Council tax reduction – for the purposes of this policy all references are in the masculine gender but apply equally to male and female;

‘application’ means an application for a reduction under this scheme:

‘attendance allowance’ means–

(a) an attendance allowance under Part 3 of the Act;

(b) an increase of disablement pension under section 104 or 105 of the Act;

(c) a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to the Act;

(d) an increase of an allowance which is payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to the Act;

(e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or

(f) any payment based on need for attendance which is paid as part of a war disablement pension;

‘the authority’ means a billing authority in relation to whose area this scheme has effect by virtue of paragraph 4(6) of Schedule 1A to the 1992 Act;

‘basic rate’, where it relates to the rate of tax, has the same meaning as in the Income Tax Act 2007 (see section 989 of that Act).

‘board and lodging accommodation’ means accommodation provided to a family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises;

‘care home’ has the meaning given by section 3 of the Care Standards Act 2000 and in Scotland means a care home service within the meaning given by section 2(3) of the Regulation of Care (Scotland) Act 2001 and in Northern Ireland means a nursing home within the meaning of Article 11 of the Health and Personal Social Services Quality Improvement and Regulation (Northern Ireland) Order 2003 or a residential care home, within the meaning of Article 10 of that Order;

‘the Caxton Foundation’ means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

‘child’ means a person under the age of 16;

‘child benefit’ has the meaning given by section 141 of the SSCBA as amended by The Child Benefit (General), Child Tax Credit (Amendment) Regulations 2014 and The Child Benefit (General) (Amendment) Regulations 2015;

‘child tax credit’ means a child tax credit under section 8 of the Tax Credits Act 2002;

‘the Children Order’ means the Children (Northern Ireland) Order 1995;

‘claim’ means a claim for council tax reduction;

‘close relative’ means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

‘contributory employment and support allowance’ means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance

and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;

‘converted employment and support allowance’ means an employment and support allowance which is not income-related and to which a person is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations;

‘council tax reduction (or reduction)’ means council tax reduction as defined by S13a Local Government Finance Act 1992 (as amended);

‘couple’ means;

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.

Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes.

‘date of claim’ means the date on which the claim is made, or treated as made, for the purposes of this policy;

‘designated authority’ means any of the following;

the local authority; or a person providing services to, or authorised to exercise any function of, any such authority;

‘designated office’ means the office designated by the authority for the receipt of claims for council tax reduction;

- (a) by notice upon or with a form approved by it for the purpose of claiming council tax reduction; or
- (b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application; or
- (c) by any combination of the provisions set out in sub-paragraphs (a) and (b) above;

‘disability living allowance’ means a disability living allowance under section 71 of the Act;

‘dwelling’ has the same meaning in section 3 or 72 of the 1992 Act;

‘earnings’ has the meaning prescribed in section 25 or, as the case may be, 27;

‘the Eileen Trust’ means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;

‘electronic communication’ has the same meaning as in section 15(1) of the 2000 Act;

‘employed earner’ is to be construed in accordance with section 2(1)(a) of the Act and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;

‘Employment and Support Allowance Regulations’ means the Employment and Support Allowance Regulations 2008 and the Employment and Support Regulations 2013 as appropriate;

‘Employment and Support Allowance (Existing Awards) Regulations’ means the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) Regulations 2010;

‘family’ has the meaning assigned to it by section 137(1) of the Act and Section 8 of this scheme;

‘the Fund’ means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;

‘a guaranteed income payment’ means a payment made under article 14(1)(b) or article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(b);

‘he, him, his’ also refers to the feminine within this policy;

‘housing benefit’ means housing benefit under Part 7 of the Act;

‘the Housing Benefit Regulations’ means the Housing Benefit Regulations 2006;

‘Immigration and Asylum Act’ means the Immigration and Asylum Act 1999;

‘an income-based jobseeker’s allowance’ and **‘a joint-claim jobseeker’s allowance’** have the same meaning as they have in the Jobseekers Act by virtue of section 1(4) of that Act;

‘income-related employment and support allowance’ means an income-related allowance under Part 1 of the Welfare Reform Act 2007;

‘Income Support Regulations’ means the Income Support (General) Regulations 1987(a);

‘independent hospital’–

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) in Scotland, means an independent health care service as defined in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;

‘the Independent Living Fund (2006)’ means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;

‘invalid carriage or other vehicle’ means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

‘Jobseekers Act’ means the Jobseekers Act 1995;

‘Jobseeker’s Allowance Regulations’ means the Jobseeker’s Allowance Regulations 1996 and Jobseeker’s Allowance Regulations 2013 as appropriate;

‘limited capability for work’ has the meaning given in section 1(4) of the Welfare Reform Act;

‘limited capability for work-related activity’ has the meaning given in section 2(5) of the Welfare Reform Act 2007;

‘the London Bombing Relief Charitable Fund’ means the company limited by guarantee (number 5505072), and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability, or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;

‘lone parent’ means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

‘the Macfarlane (Special Payments) Trust’ means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

‘the Macfarlane (Special Payments) (No.2) Trust’ means the trust of that name, established on 3rd May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

‘the Macfarlane Trust’ means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

‘main phase employment and support allowance’ means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 except in Part 1 of Schedule 1;

‘maternity leave’ means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part 8 of the Employment Rights Act 1996;

‘member of a couple’ means a member of a married or unmarried couple;

‘member of the work-related activity group’ means a claimant who has or is treated as having limited capability for work;

‘MFET Limited’ means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by

the NHS with blood or blood products;

'net earnings' means such earnings as are calculated in accordance with this scheme;

'net profit' means such profit as is calculated in accordance with this scheme;

'the New Deal options' means the employment programmes specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations and the training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

'new dwelling' means, for the purposes of the definition of 'second authority' and sections 60C, and 61C the dwelling to which an applicant has moved, or is about to move, in which the applicant is or will be resident;

'non-dependant' means any person, who normally resides with an applicant or with whom an applicant normally resides except;

(a) any member of the applicant's family;

(b) if the applicant is polygamously married—

(i) where the applicant has (alone or jointly with his partner) an award of universal credit, any—

(aa) party to such a marriage other than the applicant's partner; and

(bb) any child or young person who is a member of his household and for whom he or his partner or another party to the polygamous marriage is responsible; or

(ii) in any other case, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;

(c) a child or young person who is living with the applicant but who is not a member of his household by virtue of paragraph 8 (households);

(d) any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under section 6 or 7 of the 1992 Act (persons liable to pay council tax);

(e) any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling; and

(f) a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

'occupational pension' means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

'ordinary clothing or footwear' means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities;

'partner' means—

(a) where an applicant is a member of a couple, the other member of that couple; or

(b) where an applicant is polygamously married to two or more members of his household, any such member to whom he is married;

'paternity leave' means a period of absence from work on leave by virtue of section 80A or 80B of the Employment Rights Act 1996;

'payment' includes part of a payment;

'pensionable age' has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 as amended by the Public Services Pension Act 2013 and Pensions Act 2014;

'pension fund holder' means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers, or scheme administrators, as the case may be, of the scheme concerned;

'pensioner' a person who has attained the age at which pension credit can be claimed;

'person affected' shall be construed as a person to whom the authority decides is affected by any decision made by the council;

'personal independence payment' has the meaning given by Part 4 of the Welfare Reform Act 2012 and the Social Security (Personal Independence Payments) 2013;

'person treated as not being in Great Britain' has the meaning given by section 7;

'personal pension scheme' means—

(a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as

- amended by the Public Service Pension Act 2013;
- (b) an annuity contractor trust scheme approved under section 20 or 21 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;
 - (c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;
- ‘policy of life insurance’** means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;
- ‘polygamous marriage’** means a marriage to which section 133(1) of the Act refers namely;
- (a) a person is a husband or wife by virtue of a marriage entered into under law which permits polygamy; and
 - (b) either party to the marriage has for the time being any spouse additional to the other party.
- ‘public authority’** includes any person certain of whose functions are functions of a public nature;
- ‘qualifying age for state pension credit’** means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002)–
- (a) in the case of a woman, pensionable age; or
 - (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;
- ‘qualifying contributory benefit’** means;
- (a) severe disablement allowance;
 - (b) incapacity benefit;
 - (c) contributory employment and support allowance;
- ‘qualifying course’** means a qualifying course as defined for the purposes of Parts 2 and 4 of the Job Seeker’s Allowance Regulations 1996
- ‘qualifying income-related benefit’** means;
- (a) income support;
 - (b) income-based jobseeker’s allowance;
 - (c) income-related employment and support allowance;
- ‘qualifying person’** means a person in respect of whom payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund;
- ‘reduction week’** means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;
- ‘relative’** means a close relative, grandparent, grandchild, uncle, aunt, nephew, or niece;
- ‘relevant authority’** means an authority administering council tax reduction;
- ‘relevant week’** In relation to any particular day, means the week within which the day in question falls;
- ‘resident’** has the meaning it has in Part 1 or 2 of the 1992 Act;
- ‘self-employed earner’** is to be construed in accordance with section 2(1)(b) of the Act;
- ‘self-employment route’** means assistance in pursuing self-employed earner’s employment whilst participating in–
- (a) an employment zone programme;
 - (b) a programme provided or other arrangements made pursuant to section 2 of the 1973 Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.);
 - (c) the Employment, Skills, and Enterprise Scheme;
 - (d) a scheme prescribed in regulation 3 of the Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;
 - (e) Back to Work scheme.
- ‘single applicant’** means an applicant who neither has a partner nor is a lone parent;

‘the Skipton Fund’ means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme’s provisions.

‘special account’ means an account as defined for the purposes of Chapter 4A of Part 8 of the Jobseeker’s Allowance Regulations or Chapter 5 of Part 10 of the Employment and Support Allowance Regulations;

‘sports award’ means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993 out of sums allocated to it for distribution under that section;

‘the SSCBA’ means the Social Security Contributions and Benefits Act 1992

‘State Pension Credit Act’ means the State Pension Credit Act 2002;

‘student’ has the meaning prescribed in section 43;

‘subsistence allowance’ means an allowance which an employment zone contractor has agreed to pay to a person who is participating in an employment zone programme;

‘the Tax Credits Act’ means the Tax Credits Act 2002;

‘tax year’ means a period beginning with 6th April in one year and ending with 5th April in the next;

‘training allowance’ means an allowance (whether by way of periodical grants or otherwise) payable—

(a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Young People’s Learning Agency for England, the Chief Executive of Skills Funding or Welsh Ministers;

(b) to a person for his maintenance or in respect of a member of his family; and

(c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, the department or approved by the department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers.

It does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the 1973 Act or is training as a teacher;

‘the Trusts’ means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust;

‘Universal Credit’ means any payment of Universal Credit payable under the Welfare Reform Act 2012, the Universal Credit Regulations 2013, The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013, Universal Credit (Miscellaneous Amendments) Regulations 2013 and the Universal Credit (Transitional Provisions) Regulations 2014;

‘Up-rating Act’ means the Welfare Benefit Up-rating Act 2013, the Welfare Benefits Up-rating Order 2014, and the Welfare Benefits Up-rating Order 2015;

‘voluntary organisation’ means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

‘war disablement pension’ means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;

‘war pension’ means a war disablement pension, a war widow’s pension, or a war widower’s pension;

‘war widow’s pension’ means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

‘war widower’s pension’ means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

‘water charges’ means;

(a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,

(b) as respects Scotland, any water and sewerage charges established by Scottish Water under

a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002, in so far as such charges are in respect of the dwelling which a person occupies as his home;

'week' means a period of seven days beginning with a Monday;

'Welfare Reform Act' means the Welfare Reform Act 2007;

'Working Tax Credit Regulations' means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended.

2.2 In this policy, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.

2.3 For the purpose of this policy, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day;

(a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker's allowance is not payable); or

(b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;

(c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker's allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;

(d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).

2.4 For the purposes of this policy, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;

(a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or

(b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.

2.5 For the purposes of this policy, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.

2.6 In this policy, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

3.0 Requirement to provide a National Insurance Number

3.1 No person shall be entitled to reduction unless the criteria below in 3.2 is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming reduction.

3.2 This subsection is satisfied in relation to a person if—

(a) the claim for reduction is accompanied by;

- i. a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
- ii. information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
- (b) the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated and the application for reduction is accompanied by evidence of the application and information to enable it to be allocated.

3.3 Paragraph 3.2 shall not apply—

- (a) in the case of a child or young person in respect of whom council tax reduction is claimed;
- (b) to a person who;
 - i. is a person in respect of whom a claim for council tax reduction is made;
 - ii. is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act;
 - iii. is a person from abroad for the purposes of this scheme; and
 - iv. has not previously been allocated a national insurance number.

4.0 Persons who have attained the qualifying age for state pension credit.

4.1 This scheme applies to a person if:

- (i) he has not attained the qualifying age for state pension credit; or
- (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is;
 - (a) a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or
 - (b) a person with an award of universal credit.

5.0 Persons treated as not being in Great Britain and Persons Subject to Immigration Control

Persons treated as not being in Great Britain

- 5.1 Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- 5.2 Except where a person falls within paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland.
- 5.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland unless the person has a right to reside in one of those places.
- 5.4 For the purposes of paragraph (3), a right to reside does not include a right, which exists by virtue of, or in accordance with—
 - (a) regulation 13 of the EEA Regulations;
 - (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
 - (i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or
 - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
 - (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (5) of that regulation of the Treaty on the Functioning of the European Union (in a case

where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).

- 5.4A For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—
- (a) (Removed by the Council Tax Reductions Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021
 - (b) Appendix EU to the immigration rules made under section 3(2) of that Act;
 - (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or
 - (d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.
- 5.4B Paragraph (5A)(b) does not apply to a person who—
- (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
 - (b) would have a right to reside under the EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b)
- 5.5 A person falls within this paragraph if the person is—
- (za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of—
 - (i) the Afghan Relocations and Assistance Policy; or
 - (ii) the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
 - (zb) a person in Great Britain not coming within sub-paragraph (za) or (e) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;
 - (zc) a person in Great Britain who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—
 - (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;
 - (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in sub-paragraph (a);
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
 - (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
 - (cb) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;
 - (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971
 - (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th

- July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971
 - (f) a person who has humanitarian protection granted under those rules;
 - (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion, or other removal by compulsion of law from another country to the United Kingdom;
 - (h) in receipt of income support or on an income-related employment and support allowance; or
 - (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4).

5.6 A person falls within this paragraph if the person is a Crown servant or member of His Majesty's forces posted overseas.

5.7 A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of His Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.

5.8 In this regulation—
"claim for asylum" has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
"Crown servant" means a person holding an office or employment under the Crown;
"EEA Regulations" means the Immigration (European Economic Area) Regulations 2006; and the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020
"EEA national" has the meaning given in regulation 2(1) of the EEA Regulations;
"family member" has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and (5)(ca);
"His Majesty's forces" has the same meaning as in the Armed Forces Act 2006; and
"relevant person of Northern Ireland" has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971.

Persons subject to immigration control

5.9 Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.

5.10 A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph 5.9.

5.11 **"Person subject to immigration control"** has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

6.0 Transitional provision

6.1 The above does not apply to a person who, on 31st March 2015—

- (a) is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A (2) of the Act; and
 - (b) is entitled to an income-based jobseeker's allowance, until the first of the events in paragraph 6.2 occurs.
- 6.2 The events are—
 - (a) the person makes a new application for a reduction under an authority's scheme established under section 13A (2) of the Act; or
 - (b) the person ceases to be entitled to an income-based jobseeker's allowance.
- 6.3 In this section "the Act" means the Local Government Finance Act 1992.
- 7.0 Temporary Absence (period of absence)**
- 7.1 A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.
- 7.2 In sub-paragraph (1), a "period of temporary absence" means—
 - (a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain where and for so long as—
 - (i) the person resides in that accommodation;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
 - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks, where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
 - (b) subject to sub-paragraph (2B), a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as—
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
 - (iii) that period is unlikely to exceed 13 weeks;
 - (c) a period of absence not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as—
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let;
 - (iii) the person is a person to whom sub-paragraph (3) applies; and
 - (iv) subject to sub-paragraph (2D), a period of absence within Great Britain is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period and;
 - (d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as— (i) the person intends to return to the dwelling; (ii) the part of the dwelling in which he usually resides is not let or sub-let; and (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks;
- 7.2A The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.
- 7.2B Where—
 - (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
 - (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
 - (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,
 then any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

7.2C The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.

7.2D Where —

1. a person returns to Great Britain after a period of absence from Great Britain (period A);
2. that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
3. at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,
then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

7.2E This sub-paragraph applies where—

1. a person is temporarily absent from Great Britain;
2. immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

7.2F If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of—

1. the person's partner or a child or young person for whom the person or the person's partner is responsible;
2. the person's close relative;
3. the close relative of the person's partner; or
4. the close relative of a child or young person for whom the person or the person's partner is responsible,
then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in subparagraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).";

7.3 This sub-paragraph applies to a person who—

- (a) is a person to whom sub-paragraph (3A) applies;
 - (i) in a dwelling, other than the dwelling referred to in sub-paragraph (1), or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007, or is detained in custody pending sentence upon conviction;
- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following a training course;
- (e) is undertaking medically approved care of a person;
- (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
- (g) is receiving medically approved care provided in accommodation other than residential accommodation;
- (h) is a student;
- (i) is receiving care provided in residential accommodation and is not a person to whom subparagraph (2)(a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

7.3A This sub-paragraph applies to a person ("P") who is—

- (a) detained in custody on remand pending trial;

- (b) detained pending sentence upon conviction; or
- (c) as a condition of bail required to reside—
 - (i) in a dwelling, other than a dwelling P occupies as P's home; or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007(a),
 and who is not also detained in custody following sentence upon conviction.

- 7.3B This sub-paragraph applies where—
 - (a) a person is temporarily absent from Great Britain;
 - (b) the person is a member of His Majesty's forces posted overseas, a mariner or a continental shelf worker;
 - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

- 7.3C Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
 - (a) the person intends to return to the dwelling;
 - (b) the part of the dwelling in which he usually resided is not let or sub-let;
 - (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.

- 7.3D This sub-paragraph applies where—
 - (a) a person is temporarily absent from Great Britain;
 - (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of subparagraph (3);
 - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

- 7.3E Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
 - (a) the person intends to return to the dwelling;
 - (b) the part of the dwelling in which he usually resided is not let or sub-let;
 - (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

- 7.3F This sub-paragraph applies where—
 - (a) a person is temporarily absent from Great Britain;
 - (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of subparagraph (3);
 - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

- 7.3G Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—
 - (a) the person intends to return to the dwelling;
 - (b) the part of the dwelling in which he usually resided is not let or sub-let;
 - (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

- 7.4 This sub-paragraph applies to a person who is—
 - (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995; and
 - (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989.

- 7.5 Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release—
- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
 - (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;
 - (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.
- 7.6 In this paragraph—
- “continental shelf worker”** means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998(a);
- “designated area”** means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964(b) as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;
- “mariner”** means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—
- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
 - (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;
- “medically approved”** means certified by a medical practitioner;
- “member of His Majesty’s forces posted overseas”** means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006(c)), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of His Majesty’s regular forces or reserve forces;”; and
- “patient”** means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;
- “prescribed area”** means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;
- “residential accommodation”** means accommodation which is provided in—
- (a) a care home;
 - (b) an independent hospital;
 - (c) an Abbeyfield Home; or
 - (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
- “training course”** means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department, or the Secretary of State.

Transitional provision

- 7.7 Subject to paragraph (8), the provision shall not apply in respect of a person who is temporarily absent from Great Britain on 1st April 2017 until the day that person returns to Great Britain.
- 7.8 Paragraph (7) does not apply to a person who, on 1st April 2017, is temporarily absent from Great Britain and is—
- (a) a member of His Majesty's forces posted overseas;
 - (b) absent in the capacity of a continental shelf worker; or
 - (c) absent in the capacity of a mariner.
- 7.9 In this section—
- "continental shelf worker"** means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;
- "designated area"** means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;
- "mariner"** means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—
- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
 - (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;
- "member of His Majesty's forces posted overseas"** means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006), who is absent from the dwelling that the person normally occupies as his home because the person has been posted outside of Great Britain to perform the duties of a member of His Majesty's regular forces or reserve forces; and
- "prescribed area"** means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998.

8.0 Membership of a family

- 8.1 Within the reduction scheme adopted by the Council 'family' means;
- (a) a married or unmarried couple;
 - (b) married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person;
 - (c) two people of the same sex who are civil partners of each other and are members of the same household (with or without children);
 - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners (with or without children),
 - (e) and for the purposes of sub-paragraph (d) two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;
 - (f) except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a young person;

For the purposes of the scheme a child is further defined as a 'child or young person'

A 'child' means a person under the age of 16 and a 'Young Person' is someone aged 16 or over but under 20 and who satisfies other conditions. These conditions are:

- they are aged 16, have left 'relevant education' or training, and 31 August following the sixteenth birthday has not yet been passed;
- they are aged 16 or 17, have left education or training, are registered for work, education, or training, are not in remunerative work and are still within their 'extension period';
- they are on a course of full-time non-advanced education, or are doing 'approved training', and they began that education or training before reaching the age of 19;
- they have finished a course of full-time non-advanced education, but are enrolled on another such course (other than one provided as a result of their employment);
- they have left 'relevant education' or 'approved training' but have not yet passed their 'terminal date'.

8.2 Paragraph 8.1 the definition of child or young person shall not apply to a person who is;

- (a) on income support;
- (b) an income-based jobseeker's allowance or an income related employment and support allowance; or be entitled to an award of Universal Credit; or
- (c) a person to whom section 6 of the Children (Leaving Care) Act 2000 applies.

8.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is payable.

9.0 Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.

9.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him and this includes a child or young person.

9.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph 9.1 as normally living with;

- a. the person who is receiving child benefit in respect of him; or
- b. if there is no such person;
 - i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or
 - ii. in any other case the person who has the primary responsibility for him.

9.3 For the purposes of this scheme a child or young person shall be the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this section shall be treated as not so responsible.

10.0 Circumstances in which a child or young person is to be treated as being or not being a member of the household.

10.1 Subject to paragraphs 10.2 and 10.3, the applicant and any partner and, where the applicant or his partner is treated as responsible for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

10.2 A child or young person shall not be treated as a member of the applicant's household where he is;

- (a) placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or

- (b) placed with the applicant or his partner prior to adoption; or
- (c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002.

10.3 Subject to paragraph (4), paragraph (1) shall not apply to a child or young person who is not living with the applicant and he–

- (a) is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
- (b) has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
- (c) has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009; or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes).

10.4 The authority shall treat a child or young person to whom paragraph (3a) applies as being a member of the applicant's household in any reduction week where;

- (a) that child or young person lives with the applicant for part or all of that reduction week; and
- (b) the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.

10.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012 as amended.

11.0 Calculation of income and capital of members of applicant's family and of a polygamous marriage

11.1 The income and capital of an applicant's partner within this scheme and for the purposes of claiming council tax reduction is to be treated as income and capital of the applicant and shall be calculated or estimated in accordance with the following provisions in like manner as for the applicant; and any reference to the 'applicant' shall, except where the context otherwise requires be construed for the purposes of this scheme as if it were a reference to his partner.

11.2 Where an applicant or the partner of is married polygamously to two or more members of his household–

- (a) the applicant shall be treated as possessing capital and income belonging to each such member; and
- (b) the income and capital of that member shall be calculated in accordance with the following provisions of this scheme in like manner as for the applicant.

11.3 The income and capital of a child or young person shall not be treated as the income and capital of the applicant.

12.0 Calculation of income and capital: persons who have an award of universal credit.

12.1 Any universal credit new claim notification received by the authority may be used as a claim for reduction or in the assessment of council tax reduction including data received from the Secretary of State where the applicant no longer qualifies for a universal credit award.

12.2 In determining the income of an applicant:

- (a) who has, or

(b) who (jointly with his partner) has,
an award of universal credit the authority may use the calculation or estimate of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit. The authority may use any other assessment based on the information provided by the Secretary of State.

12.3 The authority may adjust the amount referred to in sub-paragraph (2) to take account of

- (a) income consisting of the award of universal credit;
- (b) any sum to be disregarded in the calculation of earnings;
- (c) any sum to be disregarded in the calculation of income other than earnings; and
- (d) any sum determined by the authority as the proportion of housing costs award;

12.4 The amount for the award of universal credit is to be determined by multiplying the amount of the award by 12 and dividing the product by 52.

12.5 In determining the capital of an applicant;

(a) who has, or

(b) who (jointly with his partner) has,

an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award.

13.0 Calculation of income on a weekly basis

13.1 For the purposes of this scheme the income of an applicant shall be calculated on a weekly basis by estimating the amount which is likely to be his average weekly income.

14.0 Average weekly earnings of employed earners.

14.1 Where an applicant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by the authority by reference to his actual earnings over a period determined by the authority as reasonable. This period will not exceed 52 weeks.

14.2 Where the applicant is recently employed and cannot furnish the appropriate evidence, the authority may require the applicant's employer to furnish an estimate of the applicant's likely weekly earnings over such period as the authority may require and the applicant's average weekly earnings shall be estimated by reference to that estimate.

14.3 Where the amount of an applicant's earnings changes during an award the authority shall estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately.

15.0 Average weekly earnings of self-employed earners

15.1 Where an applicant's income consists of earnings from employment as a self-employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately. This period shall not exceed 52 weeks.

15A.0 Minimum Income Floor

15A.1 Where no start up period (as defined within 15A.2) applies to the applicant or partner, the income used by the Council in the calculation of their award will be the gross amount declared by the applicant or a substituted amount whichever is the higher. This substituted amount shall not be less than 35 hours multiplied by the national living wage (or national minimum wage as

appropriate) From that, the Council will deduct only an estimate for tax, national insurance and a pension contribution (where a pension contribution is being made).

15A.2 The Council shall determine an appropriate start up period for the employment activity being conducted by the applicant or partner. This will normally be one year from the date of commencement of the employment activity. During this period, no Minimum Income Floor shall be applied. The start-up period ends where the person is no longer in gainful self-employment.

15A.3 Where an applicant or partner holds a position in a company that is analogous to that of a sole owner or partner in the business of that company, he shall be treated as if he were such sole owner or partner and in such a case be subject to the substituted amount where appropriate.

15A.4 No start-up period may be applied in relation to an applicant where a start-up period has previously been applied, whether in relation to a current or previous award of a Council Tax Reduction.

15A.5 In order to establish whether to award a start up period, the applicant must satisfy the Council that the employment is:

- Genuine and effective. The Council must be satisfied that the employment activity is being conducted; and
- Being conducted with the intention of increasing the income received to the level that would be conducive with that form of employment.

15A.6 For the purposes of determining whether an applicant is in gainful self-employment or meets the conditions for a start up-period, the Council will require the applicant to provide such evidence or information that it reasonably requires to make that decision, the Council may also require the self-employed person to attend an interview for the purpose of establishing whether the employment is gainful or whether the conditions for a start-up period are met.

15A.7 Where the applicant satisfies the authority that, based on his or her circumstances, there are good reasons that a Minimum Income Floor should not apply, the authority may, at its discretion, determine that no Minimum Income Floor applies to that particular award of Council Tax Reduction.

16.0 Average weekly income other than earnings

16.1 An applicant's income which does not consist of earnings shall be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately. Such period shall not exceed 52 weeks.

17.0 Calculation of average weekly income from tax credits

17.1 Where this section applies, the period over which a tax credit is to be taken into account shall be the period set out in paragraph (2)

17.2 Where the instalment in respect of which payment of a tax credit is made is;

- (a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
- (b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
- (c) a two-weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
- (d) a four-weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

17.3 For the purposes of this section 'tax credit' means child tax credit or working tax credit.

18.0 Calculation of weekly income

- 18.1 For the purposes of this scheme where the period in respect of which a payment is made;
- (a) does not exceed a week, the weekly amount shall be the amount of that payment;
 - (b) exceeds a week, the weekly amount shall be determined—
 - i. in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - ii. in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the quotient by 7.
- 18.2 The weekly amount of earnings of an applicant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the quotient by 7.

19.0 Earnings of employed earners.

- 19.1 Earnings means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes—
- (a) any bonus or commission;
 - (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
 - (c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
 - (d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
 - (e) any payment by way of a retainer;
 - (f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively, and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
 - (g) (i) travelling expenses incurred by the applicant between his home and his place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
 - (h) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
 - (i) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
 - (j) any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
 - (k) any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
 - (l) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
 - (m) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended.
- 19.2 Earnings shall not include—
- (a) any payment in kind;
 - (b) any payment in respect of expenses wholly, exclusively, and necessarily incurred in the performance of the duties of employment;
 - (c) any occupational pension

20.0 Calculation of net earnings of employed earners.

- 20.1 For the purposes of this scheme, the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall be his net earnings.
- 20.2 There shall be disregarded from an applicant's (or their partner's) net earnings, £25 per week. This shall apply irrespective of the applicant's household and only one disregard shall be applied per claim.
- 20.3 Net earnings shall be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;
- (a) any amount deducted from those earnings by way of
 - i) income tax;
 - ii) primary Class 1 National Insurance contributions
 - (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
 - (c) one-half of the amount calculated in accordance with paragraph 20.5 in respect of any qualifying contribution payable by the applicant; and
- 20.4 In this section 'qualifying contribution' means any sum which is payable periodically as a contribution towards a personal pension scheme.
- 20.5 The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying contribution shall be determined—
- (a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
 - (b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- 20.6 Where the earnings of an applicant are estimated an appropriate estimate of net earnings shall be determined in line with paragraph (3) above.

21.0 Earnings of self-employed earners

- 21.1 'Earnings', in the case of employment as a self-employed earner, means the gross income of the employment
- 21.2 'Earnings' shall not include any payment in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority, or voluntary organisation in respect of persons temporarily in the applicant's care nor shall it include any sports award.
- 21.3 This paragraph applies to—
- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent, or trademark; or
 - (b) any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book of work concerned.

22.0 Calculation of net profit of self-employed earners

- 22.1 For the purposes of this scheme the earnings of an applicant to be taken into account shall be:
- (a) in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
 - (b) in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—
 - i. an amount in respect of income tax and of national insurance contributions payable under this scheme; and
 - ii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.
- 22.2 There shall be disregarded from an applicant's (or their partner's) net earnings, £25 per week per claim.
- 22.3 The net profit of the employment must be calculated by taking into account the earnings for the employment over the assessment period less:
- (a) any expenses wholly and exclusively incurred in that period for the purposes of that employment;
 - (b) an amount in respect of;
 - i. income tax, and
 - ii. national insurance contributions payable calculated in accordance with section 22; and
 - iii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.
- 22.4 For the purposes of paragraph (1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- 22.5 No deduction shall be made under paragraph (3 a) or (4), in respect of—
- (a) any capital expenditure;
 - (b) the depreciation of any capital asset;
 - (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
 - (d) any loss incurred before the beginning of the assessment period;
 - (e) the repayment of capital on any loan taken out for the purposes of the employment;
 - (f) any expenses incurred in providing business entertainment, and
 - (g) any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.
- 22.6 A deduction shall be made under paragraph (3 a) or (4) in respect of the repayment of capital on any loan used for—
- (a) the replacement in the course of business of equipment or machinery; and
 - (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- 22.7 The authority shall refuse to make deduction in respect of any expenses where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 22.8 For the avoidance of doubt—
- (a) deduction shall not be made in respect of any sum unless it has been expended for the purposes of the business;
 - (b) a deduction shall be made thereunder in respect of—
 - i. the excess of any value added tax paid over value added tax received in the assessment period;
 - ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;

iii. any payment of interest on a loan taken out for the purposes of the employment

22.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of

- (a) income tax; and
- (b) national insurance contributions calculated by the authority in line with 23.2;
- (c) one-half of the amount any qualifying pension contribution in accordance with (11).

22.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.

22.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined.

- (a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and divided the product by 365;
- (b) in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.

22.12 In this section, 'qualifying premium' means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.

23.0 Deduction of tax and contributions of self-employed earners

23.1 The amount to be deducted in respect of income tax under section 22 shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

23.2 The amount to be deducted in respect of national insurance contributions under section shall be the total of—

- (a) the amount of Class 2 National Insurance contributions payable at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of the Act (small profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and
- (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata.

23.3 In this section 'chargeable income' means—

- (a) the earnings derived from the employment less any expenses deducted under section 22;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

24.0 Calculation of income other than earnings

- 24.1 For the purposes of this scheme, the income of an applicant which does not consist of earnings to be taken into account shall be his gross income and any capital treated as income under section 25.
- 24.2 There shall be disregarded from the calculation of an applicant's gross income any sum, where applicable, specified in Schedule 2.
- 24.3 Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account shall be the gross amount payable.
- 24.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- 24.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 24.6 'Tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.
- 24.7 Paragraphs (7),(8), (9) and (10) apply to any applicant who is a student. Paragraph (8) and (9) apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.
- 24.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph (1) in respect of a person to whom paragraph (7) applies, shall be calculated by applying the formula—
$$\frac{A - (B \times C)}{D}$$

Where:
A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course;
B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;
C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax reduction immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;
D = the number of reduction weeks in the assessment period.
- 24.9 Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph (1) in respect of a person to whom paragraph (8) applies, shall be calculated by applying the formula in paragraph (8) but as if—
A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course or was dismissed from it.

24.10 In this section– ‘academic year’ and ‘student loan’ shall have the same meanings as for the purposes of this scheme, ‘assessment period’ means–

- (a) in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
- (b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes–
 - i. the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
 - ii. the last day of the last quarter for which an instalment of the relevant payment was payable to that person.

whichever of those date is earlier;

‘quarter’ in relation to an assessment period means a period in that year beginning on;

- (a) 1st January and ending on 31st March;
- (b) 1st April and ending on 30th June;
- (c) 1st July and ending on 31st August; or
- (d) 1st September and ending on 31st December;

‘relevant payment’ means either a student loan or an amount intended for the maintenance of dependants.

25.0 Capital treated as income and Notional Income

25.1 Any payment received under an annuity shall be treated as income.

25.2 Any earnings to the extent that they are not a payment of income shall be treated as income.

25.3 Any Career Development Loan paid pursuant to section 2 of the 1973 Act shall be treated as income.

25.4 Where an agreement or court order provides that payments shall be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital), shall be treated as income.

25.6 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of reduction or increasing the amount of that reduction.

25.7 Except in the case of–

- (a) a discretionary trust;
- (b) a trust derived from a payment made in consequence of a personal injury;
- (c) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
- (d) rehabilitation allowance made under section 2 of the 1973 Act;
- (e) child tax credit; or
- (f) working tax credit,

any income which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

25.8 Any payment of income made–

- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under or by a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
- (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

25.9 This section shall not apply in respect of a payment of income made—

- (a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006);
- (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
- (c) pursuant to section 2 of the 1973 Act in respect of a person's participation—
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- (d) in respect of a previous participation in the Mandatory Work Activity Scheme;
- (e) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

25.10 Where an applicant is in receipt of any benefit (other than council tax reduction) under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possessing such benefit at the altered rate from 1st April in that year.

25.11 Where—

- (a) applicant performs a service for another person; and
- (b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area, the authority shall treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

25.12 Paragraph (11) shall not apply–

- (a) to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
- (b) in a case where the service is performed in connection with–
 - (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or
 - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme ; or
- (c) to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

25.13 'Work placement' means practical work experience which is not undertaken in expectation of payment.

25.14 Where an applicant is treated as possessing any income under this section, the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of that income as if a payment has actually been made and as if it were actual income which he does possess.

25.15 Where an applicant is treated as possessing any earnings under this section his net earnings shall be calculated by taking into account those earnings which he is treated as possessing, less;

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the starting rate or, as the case may be, the starting rate and the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the starting rate of tax is to be applied and the amount of the personal relief deductible under this subparagraph shall be calculated on a pro rate basis;
- (b) an amount equivalent to the amount of the primary Class 1 National Insurance contributions that would be payable by him in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

26.0 Capital limit

- 26.1 For the purposes of this scheme, the prescribed amount is £10,000 and no reduction shall be granted when the applicant has an amount greater than this level.

27.0 Calculation of capital

- 27.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to paragraph (2), be the whole of his capital calculated in accordance with this scheme and any income treated as capital under this scheme.
- 27.2 There shall be disregarded from the calculation of an applicant's capital under paragraph (1), any capital, where applicable, specified in Schedule 3.

28.0 Disregard of capital of child and young person

- 28.1 The capital of a child or young person who is a member of the applicant's family shall not be treated as capital of the applicant.

29.0 Income treated as capital.

- 29.1 Any bounty derived from employment and paid at intervals of at least one year shall be treated as capital.
- 29.2 Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E shall be treated as capital.
- 29.3 Any holiday pay which is not earnings shall be treated as capital.
- 29.4 Any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the applicant's account.
- 29.5 In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer shall be treated as capital.
- 29.6 Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, shall be treated as capital.
- 29.7 There shall be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.
- 29.8 Any arrears of subsistence allowance which are paid to an applicant as a lump sum shall be treated as capital.
- 29.9 Any arrears of working tax credit or child tax credit shall be treated as capital.

30.0 Calculation of capital in the United Kingdom

- 30.1 Capital which an applicant possesses in the United Kingdom shall be calculated at its current market or surrender value less—
- where there would be expenses attributable to the sale, 10 per cent.; and
 - the amount of any encumbrance secured on it;

31.0 Calculation of capital outside the United Kingdom

31.1 Capital which an applicant possesses in a country outside the United Kingdom shall be calculated:

- (a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value.
- (b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer, less, where there would be expenses attributable to sale, 10 per cent. and the amount of any encumbrances secured on it.

32.0 Notional capital

32.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax reduction or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with section 33.

32.2 Except in the case of

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or
- (c) any loan which would be obtained only if secured against capital disregarded under Schedule 3; or
- (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
- (e) any sum to Schedule 3 refers; or
- (f) child tax credit; or
- (g) working tax credit,

any capital which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

32.3 Any payment of capital, other than a payment of capital specified in paragraph (4), made:

- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
- (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in subparagraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

32.4 Paragraph 32.3 shall not apply in respect of a payment of capital made:

- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund;
- (b) pursuant to section 2 of the 1973 Act in respect of a person's participation:
 - i. in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;

- ii. in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
- iii. in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
- iv. in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
- v. in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- (c) in respect of a person's participation in the Mandatory Work Activity Scheme;
- (d) Enterprise Scheme;
- (e) in respect of an applicant's participation in the Employment, Skills, and Enterprise Scheme or Back to Work Scheme;
- (f) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - vi. a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - vii. the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - viii. the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

32.5 Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case:

- (a) the value of his holding in that company shall be disregarded; and
- (b) he shall be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.

32.6 For so long as the applicant undertakes activities in the course of the business of the company, the amount which, he is treated as possessing under paragraph (5) shall be disregarded.

32.7 Where an applicant is treated as possessing capital under any of paragraphs (1) and (2) the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital, which he does possess.

33.0 Diminishing notional capital rule.

33.1 Where an applicant is treated as possessing notional capital the amount which he is treated as possessing shall be reduced by the amount calculated by the authority as the weekly amount of council tax reduction lost due to the inclusion of the notional capital within the calculation.

33.2 The authority will reduce any notional capital at a frequency of 13 weeks.

34.0 Capital jointly held.

34.1 Where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Section shall apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

35.0 Students - Student related definitions

35.1 In this scheme the following definitions apply;

'academic year' means the period of twelve months beginning on 1st January, 1st April, 1st July

or 1st September according to whether the course in question begins in the winter, the spring, the summer, or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;

‘access funds’ means;

- (a) grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- (b) grants made under section 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- (d) discretionary payments, known as “learner support funds”, which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or
- (e) Financial Contingency Funds made available by the Welsh Ministers;

‘college of further education’ means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

‘contribution’ means;

- (a) any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student’s grant or student loan; or
- (b) any sums, which in determining the amount of a student’s allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following person to contribute towards the holder’s expenses;
 - (i) the holder of the allowance or bursary;
 - (ii) the holder’s parents;
 - (iii) the holder’s parent’s spouse, civil partner or a person ordinarily living with the holder’s parent as if he or she were the spouse or civil partner of that parent; or
 - (iv) the holder’s spouse or civil partner;

‘course of study’ means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

‘covenant income’ means the gross income payable to a full-time student under a Deed of Covenant by his parent;

‘education authority’ means a government department, a local education authority as defined in section 12 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973 an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body of the Channel Island, Isle of Man or any other country outside Great Britain;

‘full-time course of study’ means a full time course of study which;

- (a) is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;
- (b) is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—

- (i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student's learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or
- (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- (c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
 - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

'full-time student' means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

'grant' means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary;

'grant income' means:

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

'higher education' means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992; 'last day of the course' means;

- (a) in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;
- (b) in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

'period of study' means—

- (a) in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- (b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, the year's start and ending with either—
 - (i) the day before the start of the next year of the course in a case where the student's grant or loan is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
 - (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- (c) in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;

'periods of experience' means periods of work experience which form part of a sandwich course;

'qualifying course' means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker's Allowance Regulations;

'modular course' means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

'sandwich course' has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans), (Scotland), Regulations 2007 or regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

‘standard maintenance grant’ means–

- (a) except where paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (‘the 2003 Regulations’) for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at his parent’s home, the amount specified in paragraph 3 thereof;
- (c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as ‘standard maintenance allowance’ for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

‘student’ means a person, other than a person in receipt of a training allowance, who is attending or undertaking–

- (a) a course of study at an educational establishment; or
- (b) a qualifying course;

‘student’ loan’ means a loan towards a student’s maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and shall include, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Student’s Allowances (Scotland) Regulations 2007

35.2 For the purposes of the definition of ‘full-time student’, a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course:

- (a) in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending;
 - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
 - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
- (b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

35.3 For the purposes of sub-paragraph (a) of paragraph 43.2, the period referred to in that sub-paragraph shall include;

- (a) where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
- (b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

36.0 Students who are excluded from entitlement to council tax reduction.

36.1 Students (except those define in paragraph (3)) are not able to claim Council tax reduction under Classes D of the authority’s reduction scheme.

36.2 To be eligible for reduction, the student must be liable for Council Tax under Section 6 of the Local Government Finance Act 1992 and they must not be deemed to be a full-time student or

a person from abroad within the meaning of section 7 of this scheme (persons from abroad).

36.3 Paragraph 36.2 shall not apply to a student:

- (a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) who is in receipt of a Personal Independence Payment;
- (d) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
- (e) (who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989),
- (f) who is;
 - (i) aged under 21 and whose course of study is not a course of higher education, or
 - (ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);
- (g) in respect of whom
 - i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
 - (iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
 - (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; oron account of his disability by reason of deafness.

36.4 For the purposes of paragraph (3)(f)(i)) the student must have begun or been enrolled or accepted onto the course before attaining the age of 19.

36.5 The reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

36.6 An intercalating student may be eligible for a reduction if the following circumstances are met:

- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
 - (i) engaged in caring for another person; or
 - (ii) ill;
- (b) he has subsequently ceased to be engaged in engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
- (c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph (7).

36.7 The period specified for the purposes of paragraph (6) is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;

- (a) the day on which he resumes attending or undertaking the course; or
 - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- which shall first occur.

37.0 Students - Calculation of grant income

37.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs (2) and (3), be the whole of his grant income.

37.2 There shall be excluded from a student's grant income any payment;

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
- (f) intended to meet the cost of books and equipment;
- (g) intended to meet travel expenses incurred as a result of his attendance on the course;
- (h) intended for the childcare costs of a child dependant.
- (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.

37.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.

The above amounts shall be adjusted annually in line with the Housing Benefit Regulations 2006.

37.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.

37.5 Subject to paragraphs (6) and (7), a student's grant income shall be apportioned;

- (a) subject to paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
- (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.

37.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.

37.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

37.8 In the case if a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

38.0 Students - Calculation of covenant income where a contribution is assessed.

38.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to paragraph (3), the amount of the contribution.

38.2 The weekly amount of the student's covenant shall be determined—

- (a) by dividing the amount of income which falls to be taken into account under paragraph (1) by 52 or 53, whichever is reasonable in the circumstances; and
- (b) by disregarding from the resulting amount, £5.

39.0 Students - Covenant income where no grant income or no contribution is assessed.

39.1 Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows;

- (a) any sums intended for any expenditure specified in the calculation of grant income necessary as a result of his attendance on the course shall be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;
- (c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded in the calculation of grant income had the student been in receipt of the standard maintenance grant; and
- (d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 shall be disregarded.

39.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with sub-paragraphs (a) to (d) of paragraph (1).

40.0 Students - Covenant Income and Grant income – non-disregard

40.1 No part of a student's covenant income or grant income shall be disregarded under this scheme.

41.0 Treatment of student loans

41.1 A student loan shall be treated as income.

41.2 In calculating the weekly amount of the loan to be taken into account as income:

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes with last day of the course,
- (b) in respect of an academic year of a course which starts other than on 1st September, a

loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year and ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this sub-paragraph, 'quarter' shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2005;

- (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year;
 - (ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincide with, or immediately follows, the earlier of 1st September or the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
- (d) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of;
 - (i) the first day of the first reduction week in September; or
 - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

41.3 A student shall be treated as possessing a student loan in respect of an academic year where;

- (a) a student loan has been made to him in respect of that year; or
- (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.

41.4 Where a student is treated as possessing a student loan under paragraph (3), the amount of the student loan to be taken into account as income shall be, subject to paragraph (5).

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.

41.5 There shall be deducted from the amount of income taken into account under paragraph (4)

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.

The above amounts shall be adjusted annually in line with the Housing Benefit Regulations 2006.

42.0 Students - Treatment of fee loans

42.1 A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations

made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.

43.0 Students - Treatment of payments from access funds

43.1 A payment from access funds, other than a payment to which paragraph 43.2 applies, shall be disregarded as income.

- 43.2
- a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and
 - b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.

43.3 Where a payment from access funds is made—

- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
- (b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment shall be disregarded as income.

44.0 Students - Disregard of contribution

44.1 Where the applicant or his partner is a student and for the purposes of assessing a contribution to the student's grant or student loan, the other partner's income has been taken into account, an amount equal to that contribution shall be disregarded for the purposes of assessing that other partner's income.

45.0 Further disregard of student's income

45.1 Where any part of a student's income has already been taken into account for the purpose of assessing his entitlement to a grant or student loan, the amount taken into account shall be disregarded in assessing that student's income.

46.0 Students - Income treated as capital.

46.1 Any amount by way of a refund of tax deducted from a student's covenant income shall be treated as capital.

46.2 Any amount paid from access funds as a single lump sum shall be treated as capital.

46.3 An amount paid from access fund as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.

47.0 Students - Disregard of changes occurring during summer vacation.

47.1 In calculating a student's income the authority shall disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

48.0 Maximum Council Tax Reduction

48.1 Subject to paragraphs (2) to (4), the amount of a person's maximum Council Tax Reduction in respect of a day for which he is liable to pay council tax, shall be 90 per cent, of the amount A divided by B where;

- (a) A is the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
- (b) B is the number of days in that financial year,

In this paragraph "relevant financial year" means, in relation to any particular day, financial year within which the day in question falls.

48.2 In calculating a person's maximum Council Tax Reduction any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act, shall be taken into account.

48.3 Subject to paragraph (4), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons but excepting any person so residing with the applicant who is a student who is excluded from entitlement to Council Tax Reduction applies, in determining the maximum Council Tax Reduction in his case in accordance with paragraph (1), the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

48.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph (3) shall not apply in his case.

49.0 Date on which entitlement is to begin.

49.1 Subject to paragraph (2), any person to whom or in respect of whom a claim for council tax reduction is made and who is otherwise entitled to that reduction shall be so entitled from the date on which that claim is made or is treated as made.

49.2 Where a person is otherwise entitled to council tax reduction and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his claim is made or is treated as made, he shall be so entitled from the date of claim.

50.0 Date on which change of circumstances is to take effect.

50.1 A change of circumstances which affects entitlement to, or the amount of, a reduction under the authority's scheme ("change of circumstances"), takes effect from date on which the change actually occurs.

50.2 Where the change of circumstances is that income, or an increase in the amount of income, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

51.0 Making an application.

51.1 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.

- 51.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;
- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
 - (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
 - (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985, or the Mental Capacity Act 2005 or otherwise,
- that deputy, judicial factor, guardian, or attorney, as the case may be, may make an application on behalf of that person.
- 51.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.
- 51.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).
- 51.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);
- (a) it may at any time revoke the appointment;
 - (b) the person appointed may resign his office after having given 4 weeks' notice in writing to the authority of his intention to do so;
 - (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- 51.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- 51.7 The authority must;
- (a) inform any person making an application of the duty imposed on them
 - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

52.0 Procedure by which a person may apply for a reduction under the authority's scheme¹

52.1. Paragraphs 2 to 7 apply to an application made under the authority's scheme.

52.2. An application may be made;

- (a) in writing,

¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
 - (d) a notification of a new claim for Universal Credit from DWP, may be treated by the authority as a claim for reduction.
- 52.3 An application which is made in writing must be made to the designated office on a properly completed form. The form must be provided free of charge by the authority for the purpose.
- 52.4 Where an application made in writing is defective because—
- (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
 - (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,
- the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.
- 52.5 An application made on a form provided by the authority is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
- 52.6 If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect. An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.
- 52.7 In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.
- 52.8 If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect. An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.
- 52.9 Notwithstanding other paragraphs within this section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered.
- 52.10 Where an applicant ('C') makes a claim which includes (or which C subsequently requests should include) a period before the claim is made, the authority may, at its discretion, where there is a good reason, treat the claim as made on an earlier date up to one year (or the beginning of the financial year) in which the request is received by the authority.
- 53.0 Date on which an application is made²**
- 53.1 Subject to sub-paragraph (7), the date on which an application is made is;
- (a) in a case where;
 - (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
 - (ii) the application for a reduction is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,

² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;

(b) in a case where

- (i) an applicant or his partner is a person in receipt of a guarantee credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling he occupies as his home, and
- (iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(c) in a case where;

- (i) an award of income support, an income-based jobseeker's allowance, or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
- (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,

the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

(d) in a case where;

- (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
- (iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(e) in a case where;

- (i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and
 - (ii) the applicant makes an application for a reduction under that scheme within one month of the date of the death or the separation,
- the date of the death or separation;

(f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

(g) in any other case, the date on which an application is received at the designated office.

53.2 For the purposes only of sub-paragraph (1)(c) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under;

(a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or

(b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),
have been entitled to that allowance.

53.3 Where there is a defect in an application by telephone;

(a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;

(b) is not corrected within one month (or such longer period as the authority considers

	reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.
53.4	The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.
53.5	<p>The conditions are that—</p> <p>(a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or</p> <p>(b) where an application is not on approved form or further information requested by authority applies;</p> <p>(i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;</p> <p>(ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,</p> <p>in either case, within such longer period as the authority may consider reasonable; or</p> <p>(c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.</p>
53.6	Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.
53.7	<p>Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under the authority's scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances, he will be entitled to a reduction under its scheme for a period beginning not later than;</p> <p>(a) in the case of an application made by;</p> <p style="padding-left: 40px;">(i) a pensioner, or</p> <p style="padding-left: 40px;">(ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit,</p> <p style="padding-left: 40px;">the seventeenth reduction week following the date on which the application is made, or</p> <p>(b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,</p> <p>the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.</p>
53.8	In this paragraph "appropriate DWP office" means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims of income support, a job seekers allowance or an employment and support allowance.
54.0	Submission of evidence electronically
54.1	The authority may accept such evidence, documents, and certificates to support the claim electronically where it feels that this would be acceptable given the nature of the claim.

55.0 Use of telephone provided evidence.

55.1 The authority may accept such evidence to support the claim by telephone where it feels that this would be acceptable given the nature of the claim.

56.0 Information and evidence³

56.1 Subject to sub-paragraph (3), a person who makes an application for a reduction under an authority's scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

56.2 This sub-paragraph is satisfied in relation to a person if—

(a) the application is accompanied by;

- (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
- (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or

(b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;

- (i) evidence of the application for a national insurance number to be so allocated; and
- (ii) the information or evidence enabling it to be so allocated.

56.3 Sub-paragraph (2) does not apply;

(a) in the case of a child or young person in respect of whom an application for a reduction is made;

(b) to a person who;

- (i) is a person treated as not being in Great Britain for the purposes of this scheme;
- (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
- (iii) has not previously been allocated a national insurance number.

56.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority's scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

56.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information, or evidence relating to a payment to which sub-paragraph (7) applies.

56.6 Where the authority makes a request under sub-paragraph (4), it must;

- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
- (b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.

56.7 This sub-paragraph applies to any of the following payments;

- (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET

³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Limited, the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund; and

(b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);

56.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;

(a) the name and address of the pension fund holder;

(b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

57.0 Amendment and withdrawal of application⁴

57.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.

57.2 Where the application was made by telephone the amendment may also be made by telephone.

57.3 Any application amended is to be treated as if it had been amended in the first instance.

57.4 A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.

57.5 Where the application was made by telephone, the withdrawal may also be made by telephone.

57.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

57.7 Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

58.0 Duty to notify changes of circumstances⁵

58.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time;

(a) between the making of an application and a decision being made on it, or

(b) after the decision is made (where the decision is that the applicant is entitled to a reduction under the authority's scheme) including at any time while the applicant is in receipt of such a reduction.

58.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;

(a) in writing; or

(b) by telephone—

(i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification

⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

may not be given by telephone; or

(ii) in any case or class of case where the authority determines that notice may be given by telephone; or

(c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.

58.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying:

- (a) changes in the amount of council tax payable to the authority;
- (b) changes in the age of the applicant or that of any member of his family;
- (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.

58.4 For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.

58.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.

58.6 The duty imposed on a person by sub-paragraph (1) includes in the case of a person falling within alternative maximum council tax reduction, giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs.

58.7 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the authority may use a date later than the actual change of circumstances.

59.0 Decisions by the authority⁶

59.1 The authority must make a decision on an application under its scheme within 14 days or as soon as reasonably practicable thereafter.

60.0 Notification of decision⁷

60.1 The authority must notify in writing any person affected by a decision made by it under its scheme;

- (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
- (b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

60.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement;

- (a) informing the person affected of the duty imposed by paragraph 9(1);

⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

60.3 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

60.4 In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in the authority's scheme relating to the procedure for making an appeal.

60.5 A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

60.6 The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

60.7 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

60.8 This sub-paragraph applies to—

- (a) the applicant;
- (b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;
 - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
 - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000(3) who has power to apply or, as the case may be, receive benefit on the person's behalf; or
 - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985, or the Mental Capacity Act 2005 or otherwise,
- (c) a person appointed by the authority to act for a person unable to act.

61.0 Time and manner of granting council tax reduction⁸

61.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;

- (a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
- (b) where;
 - (i) such a reduction is not possible; or
 - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
 - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 61.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).
- 61.3 In a case to which paragraph (1)(b) refers;
- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
 - (i) must be paid to that person if he so requires; or
 - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
 - (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
 - (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.
- 61.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).
- 62.0 Persons to whom reduction is to be paid⁹**
- 62.1 Subject to paragraph (2), any payment of the amount of a reduction must be made to that person.
- 62.2 Where a person other than a person who is entitled to a reduction under this authority's scheme made the application for the reduction and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.
- 63.0 Shortfall in reduction¹⁰**
- 63.1 Where, on the revision of a decision allowing a reduction under the authority's scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either;
- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the chargeable financial year until that shortfall is made good; or
 - (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonably practicable, as soon as possible afterwards.
- 64.0 Payment on the death of the person entitled¹¹**
- 64.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or

⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

65.0 Offsetting

- 65.1 Where a person has been allowed or paid a sum of council tax reduction under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

66.0 Payment where there is joint and several liability¹²

- 66.1 Where;
- (a) a person is entitled to a reduction under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
 - (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
 - (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992(7) refers would be inappropriate,
- it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.
- 66.2 Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.
- 66.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an appointment this scheme or is treated as having been so appointed, the amount of the reduction may be paid to that person.

67.0 Use of information from and to the Department for Work and Pensions (DWP) and His Majesty's Revenue and Customs (HMRC)

- 67.1 The authority will use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration, and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013
- 67.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements¹³.

68.0 Collection of information

- 68.1 The authority may receive and obtain information and evidence relating to claims for council tax reduction, the council may receive or obtain the information or evidence from—
- (a) persons making claims for council tax reduction;
 - (b) other persons in connection with such claims;
 - (c) other local authorities; or
 - (d) central government departments including the DWP and HMRC
- 68.2 The authority may verify relevant information supplied to or obtained.

¹² Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

¹³ Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

69.0 Recording and holding information.

69.1 The authority may

- (a) may make a record of such information; and
- (b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering council tax reduction.

70.0 Forwarding of information.

70.1 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax reduction to which the relevant information relates, being:

- (i) a local authority;
- (ii) a person providing services to a local authority; or
- (iii) a person authorised to exercise any function of a local authority relating to council tax reduction.

71.0 Persons affected by Decisions.

71.1 A person is to be treated as a person affected by a relevant decision of the authority where that person is;

- (a) an applicant;
- (b) in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
 - (i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or reduction on his behalf,
 - (ii) in Scotland, a tutor, curator, judicial factor, or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit or reduction appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985, or the Mental Capacity Act 2005 or otherwise;
- (c) a person appointed by the authority under this scheme;

72.0 Terminations

72.1 The authority may terminate, in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;

- (a) the conditions for entitlement to Council tax reduction are or were fulfilled; or
- (b) a decision as to an award of such a reduction should be revised or superseded.

Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax. Where the amount of reduction reduces to zero, the award will end.

73.0 Procedure by which a person may make an appeal against certain decisions of the authority¹⁴

73.1 A person who is aggrieved by a decision of the authority, which affects;

- (a) the person's entitlement to a reduction under its scheme, or
 - (b) the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.

73.2 The authority must

- (a) consider the matter to which the notice relates;
- (b) notify the aggrieved person in writing;

¹⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (i) that the ground is not well founded, giving reasons for that belief; or
- (ii) that steps have been taken to deal with the grievance, stating the steps taken.

73.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act¹⁵.

74.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act¹⁶

74.1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance this scheme or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

74.2 Where;

- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
- (b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

75.0 Exceptional Hardship Scheme

75.1 The authority may provide additional help to an applicant who is entitled to reduction under its Exceptional Hardship Scheme.

75.2 Such payments shall be deemed to be made under S13A (1)(a) of the 1992 Act.

76.0 Interpretation for the use of electronic communication

76.1 In this Part;

- "information" includes an application, a certificate, notice or other evidence; and
- "official computer system" means a computer system maintained by or on behalf of an authority for sending, receiving, processing, or storing of any information.

77.0 Conditions for the use of electronic communication

77.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.

77.2 A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

77.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

77.4 The second condition is that the person uses an approved method of;

¹⁵ As amended by the Tribunal Procedure (Amendment No 3) Rules 2014

¹⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any application or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

77.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.

77.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

77.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

77.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

78.0 Use of intermediaries

78.1 The authority may use intermediaries in connection with;

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

79.0 Effect of delivering information by means of electronic communication.

79.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed;

- (a) by this section; and
- (b) by or under an enactment,

are satisfied.

79.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

79.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

80.0 Proof of identity of sender or recipient of information

80.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of—

- (a) the sender of any information delivered by means of an electronic communication to an official computer system; or
- (b) the recipient of any such information delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

81.0 Proof of delivery of information

81.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;

- (a) any such information has been delivered to the relevant authority, if the delivery of that

information has been recorded on an official computer system; or
(b) any such information has been delivered by the relevant authority if the delivery of that information has been recorded on an official computer system.

81.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case if that information delivered to the relevant authority has not been recorded on an official computer system.

81.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

82.0 Proof of content of information

82.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

83.0 Counter Fraud and compliance

83.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to;

- (a) Prevent and detect fraudulent claims and actions in respect of Council tax reduction;
- (b) Carry out investigations fairly, professionally and in accordance with the law; and
- (c) Ensure that sanctions are applied in appropriate cases.

83.2 The authority believes that it is important to minimise the opportunity for fraud and;

- (a) will implement rigorous procedures for the verification of claims for council tax reduction;
- (b) will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
- (c) will actively tackle fraud where it occurs in accordance with this scheme;
- (d) will co-operate with the Department for Work and Pensions (DWP), His Majesty's Revenue and Customs and take part in joint working including prosecutions; and
- (e) will in all cases seek to recover all outstanding council tax.

83.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph (1) and (2) can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

Schedule 1

Calculation of the amount of Council Tax Reduction in accordance with the Discount Scheme.

1. The authority's Council Tax Reduction scheme from 2024/25 shall be calculated on the basis of the following Banded Discount Scheme:

Discount Band	Discount	Single Person	Single person with one child	Single person with two or more children	Couple	Couple with one child	Couple with two or more children
WEEKLY Income Ranges							
Band 1*	90%	£0 - £110.10	£0 - £176.16	£0 - £242.22	£0 - £154.14	£0 - £225.71	£0 - £286.26
Band 2	72%	£110.11 - £198.18	£176.17 - £264.24	£242.23 - £324.80	£154.15 - £264.24	£225.72 - £309.38	£286.27 - £374.34
Band 3	36%	£198.19 - £236.72	£264.25 - £280.76	£324.81 - £385.35	£264.25 - £319.29	£309.39 - £352.32	£374.35 - £440.40
Band 4	23%	£236.73 - £280.76	£280.77 - £308.28	£385.36 - £495.45	£319.30 - £374.34	£352.33 - £407.37	£440.41 - £528.48
	0%	Over £280.76	Over £308.28	Over £495.45	Over £374.34	Over £407.37	Over £528.48

2. The amount of discount to be granted is to be based on the following factors:
- The maximum Council Tax Reduction as defined within this scheme;
 - The Council Tax family as defined within this scheme;
 - The income of the applicant and partner as defined within this scheme; and
 - The capital of the applicant and partner as defined within this scheme.
3. For the sake of clarity all incomes shown within the table above are weekly in accordance with the scheme requirements and definitions.
4. Discount bands vary depending on both weekly income and the household (family as defined within this scheme).
5. Any applicant and any partner whose capital is greater than £10,000 shall not be entitled to any Council Tax Reduction whatsoever.
6. The authority **may** increase the level of incomes within the grid specified in paragraph 1 on an annual basis by the appropriate level of inflation decided by the Council.
7. *Where an applicant or partner is in receipt of Income Support, Income Related Employment and Support Allowance or Income Based Jobseeker's Allowance, discount will be awarded at Band 1 level.

Schedule 2

Sums to be disregarded in the calculation of income other than earnings.

1. Any amount paid by way of tax on income,
2. Any payment made to the applicant and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills, and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
4. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,
 if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).
5. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
5. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively, and necessarily incurred in the performance of the duties of the employment.
6. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance the whole of his income.
7. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.
8. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
9. Any disability living allowance or personal independence payment or AFIP
10. Any concessionary payment made to compensate for the non-payment of;
 - (a) income support;
 - (b) an income-based jobseeker's allowance.
 - (c) an income-related employment and support allowance.
11. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
12. Any attendance allowance.
13. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
14. (1) Any payment—
 - (a) by way of an education maintenance allowance made pursuant to;
 - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act

- 1980 (power to assist persons to take advantage of educational facilities);
(iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992
- (b) corresponding to such an education maintenance allowance, made pursuant to;
(i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
(ii) regulations made under section 181 of that Act; or
- (iii) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
(a) regulations made under section 518 of the Education Act 1996;
(b) regulations made under section 49 of the Education (Scotland) Act 1980; or
(c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
15. Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 16 (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
(a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
(b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
(c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training, or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
- (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- 17 (1) Subject to sub-paragraph (2), any of the following payments;
(a) a charitable payment;
(b) a voluntary payment;
(c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
(d) a payment under an annuity purchased;
(i) pursuant to any agreement or court order to make payments to the applicant; or
(ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
(e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.

- (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by–
 - (a) a former partner of the applicant, or a former partner of any member of the applicant’s family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant’s family.
- 18. 100% of any of the following, namely
 - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow’s pension or war widower’s pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of His Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.
- 19. £15 of any;
 - (a) widowed mother’s allowance paid pursuant to section 37 of the Act;
 - (b) widowed parent’s allowance paid pursuant to section 39A of the Act.
- 20. (1) Any income derived from capital to which the applicant is or is treated as beneficially entitled.
- 21. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating–
 - (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998, that student’s award;
 - (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student’s bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
 - (c) the student’s student loan,
 an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.
- 22. (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;
 - (a) is not in receipt of any award, grant, or student loan in respect of that education; or
 - (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship, or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,
 and the applicant makes payments by way of a contribution towards the student’s maintenance, other than a parental contribution defined within this scheme.
 - (2) For the purposes of sub-paragraph (1), the amount shall be equal to–
 - (a) the weekly amount of the payments; or

- (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance, or payment referred to in sub-paragraph (1)(b), whichever is less.
- 23. Any payment made to the applicant by a child or young person or a non- dependant.
- 24. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family–
 - (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
 - (b) where the aggregate of any such payments is £20 or more per week, £20.
- 25. (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to–
 - (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;
 - (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.
 (2) In this paragraph, ‘board and lodging accommodation’ means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.
- 26. (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to ‘income in kind’ does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
- 27. Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
- 28. (1) Any payment made to the applicant in respect of a person who is a member of his family–
 - (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)
 - (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child’s maintenance);

- (a) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
29. Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made
- (a) by a local authority under–
- (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
- (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
30. Any payment made to the applicant or his partner for a person ('the person concerned'), who is not normally a member of the applicant's household but is temporarily in his care, by–
- (a) a health authority;
 - (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (c) a voluntary organisation;
 - (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
 - (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006
31. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
32. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.
- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
33. (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
 - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to–

- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
 - (b) meet any amount due by way of premiums on–
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
34. Any payment of income which is to be treated as capital.
35. Any social fund payment made pursuant to Part 8 of the Act (the Social Fund) or any local welfare provision as defined by the Social Security (Miscellaneous Amendments) Regulations 2013
36. Any payment under Part 10 of the Act (Christmas bonus for pensioners).
37. Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
38. (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006).
 (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of–
 - (a) that person’s partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death;
 - (b) any child who is a member of that person’s family or who was such a member and who is a member of the applicant’s family; or
 - (c) any young person who is a member of that person’s family or who was such a member and who is a member of the applicant’s family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;
- (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person’s family or who was such a member and who is a member of the applicant’s family; or
 - (c) any young person who is a member of that person’s family or who was such a member and who is a member of the applicant’s family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person’s family; and
 - (b) the payment is made either;
 - (i) to that person’s parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a

student who has not completed his full-time education and has no parent or step-parent, to his guardian,
but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either

(i) to that person's parent or step-parent, or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

39. Any Housing Benefit or where the applicant is entitled to an award of Universal Credit which includes a housing element, any sum determined by the authority as the proportion of housing costs award.
40. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
41. Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
42. Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
43. (1) Any payment or repayment made—
(a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).
(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers, or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in sub-paragraph (1).
44. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).

45. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
46. (1) Where an applicant's family includes at least one child or young person, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.
(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments such be aggregated and treated as if they were a single payment.
(3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).
47. (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.
(2) In paragraph (1)
'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;
(a) the Child Support Act 1991;
(b) the Child Support (Northern Ireland) Order 1991;
(c) a court order;
(d) a consent order;
(e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;
'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.
48. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
49. Any guardian's allowance.
50. (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
51. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
52. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
53. (1) Any payment which is
(a) made under any of the Dispensing Instruments to a widow, widower or

- (b) surviving civil partner of a person;
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

54. Any council tax reduction or council tax benefit to which the applicant is entitled.
55. Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
56. (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—
 - (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
 - (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,
 in respect of which such assistance is or was received.
 (2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account
57. (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
 (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
 (3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
58. Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
59. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
60. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
61. (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
 (2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
62. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
63. Any payment of child benefit.

64. Any Windrush compensation payment.
65. Any payment made under the We Love Manchester Emergency Fund.
66. Any payment made under the London Emergency Trust.
67. Carers Allowance.
68. The support component of Employment and Support Allowance.
69. Where the applicant, partner or any dependant / young person is deemed to be disabled, a further disregard of £40 shall be made from their weekly income.
70. Any Local Welfare Payment paid to the applicant by the authority;
71. Any payment of Council Tax Rebate paid under the Government announcement on 3rd February 2022.
72. Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:
(a) an applicant's entitlement to a reduction under the scheme; or
(b) the amount of any reduction to which the applicant is entitled.
"The Energy Rebate Scheme 2022" means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022.
73. The Disabled Child , Child Care, Limited Capability for Work, Limited Capability for Work and Work Related Activity, Carers or Severe Disability elements of Universal Credit (this includes any transitional award).
74. **Provision for all applicants: Homes for Ukraine scheme**
(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—
(a) an applicant's entitlement to a reduction under the scheme; or
(b) the amount of any reduction to which the applicant is entitled.
(2) In this regulation—
"the Homes for Ukraine scheme" means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022.

Schedule 3
Capital to be disregarded.

1. The dwelling together with any garage, garden, and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills, and Enterprise Scheme or Back to Work Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
4. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
5. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
6. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
7. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
8. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
9. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
10. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 (2) The assets of any business owned in whole or in part by the applicant where—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax reduction is made, or is treated as made, or, if it is unreasonable to expect him to become engaged

or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

- (3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.
- (4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

- 11. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
 - (a) an income-related benefit;
 - (b) an income-based jobseeker's allowance;
 - (c) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (d) working tax credit and child tax credit
 - (e) an income-related employment and reduction allowance

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

- 12. Any sum
 - (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
 - (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement, or improvement.

- 13. Any sum –
 - (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;
 - (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

- 14. Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax reduction or to increase the amount of that reduction.

- 15. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

- 16. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.

- 17. (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

(2) But sub-paragraph (1)

(a) applies only for the period of 52 weeks beginning with the day on which the

applicant first receives any payment in consequence of that personal injury;
 (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
 (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
 (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.
 (3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).

18. The value of the right to receive any income under a life interest or from a life rent.
19. The surrender value of any policy of life insurance.
20. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
21. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
22. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A;
 - (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
23. Any social fund payment.
24. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
25. Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
26. Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
27. Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the Charitable Fund.
28. Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or any of the Trusts where

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian, but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) Any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

29. (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph 'dwelling' includes any garage, garden, and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.
30. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.
31. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.
32. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
33. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
34. The value of the right to receive an occupational or personal pension.
35. The value of any funds held under a personal pension scheme
36. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
37. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation, or the Independent Living Fund (2006).
38. Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
39. Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
40. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
 - (a) to purchase premises intended for occupation as his home; or
 - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs, or alterations to be completed and the applicant to commence occupation of those premises as his home.

41. Any arrears of supplementary pension which is disregarded under this scheme but only for a period of 52 weeks from the date of receipt of the arrears.
42. (1) Any payment or repayment made—
 - (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),but only for a period of 52 weeks from the date of receipt of the payment or repayment.
(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers, or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.
43. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.
44. Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
45. Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
46. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
47. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
48. (1) Subject to sub-paragraph (2), where an applicant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum council tax reduction), the whole of his capital.
(2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax reduction), sub-paragraph (1) shall not have effect.
49. (1) Any sum of capital to which sub-paragraph (2) applies and
 - (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
 - (b) which can only be disposed of by order or direction of any such court; or
 - (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.
(2) This sub-paragraph applies to a sum of capital which is derived from;
 - (a) an award of damages for a personal injury to that person; or
 - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.
50. Any sum of capital administered on behalf of a person in accordance with an order made under

section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from

- (a) award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

51. Any payment to the applicant as holder of the Victoria Cross or George Cross.
52. In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.
53. (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- (3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
54. (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996;
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act ;
- or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,
- in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
55. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.
56. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.
57. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st

February 2001 in consequence of the imprisonment or interment of–

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

58. (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
 - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending–
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person–
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is–
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,
- but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to–
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
 - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending–
 - (i) two years after that date; or

- (ii) on the day before the day on which that person
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,
 whichever is the latest.
- (5) In this paragraph, a reference to a person—
 - (a) being the diagnosed person’s partner;
 - (b) being a member of a diagnosed person’s family;
 - (c) acting in place of the diagnosed person’s parents,
 at the date of the diagnosed person’s death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home, or an independent hospital on that date.
- (6) In this paragraph— ‘diagnosed person’ means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;

‘relevant trust’ means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

‘trust payment’ means a payment under a relevant trust.
- 59. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant’s partner, the applicant’s deceased spouse or deceased civil partner or the applicant’s partner’s deceased spouse or deceased civil partner
 - (a) was a slave labourer or a forced labourer;
 - (b) had suffered property loss or had suffered personal injury; or
 - (c) was a parent of a child who had died,
 during the Second World War.
- 60. (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

 (2) For the purposes of sub-paragraph (1) ‘local authority’ includes in England a county council.
- 61. Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
- 62. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 63. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
- 64. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments),
- 65. Any Windrush compensation payment.
- 66. Any payment made under the We Love Manchester Emergency Fund.
- 67. Any payment made under the London Emergency Trust.
- 68. Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:
 - (a) an applicant’s entitlement to a reduction under the scheme; or
 - (b) the amount of any reduction to which the applicant is entitled.
 “The Energy Rebate Scheme 2022” means the scheme to provide financial support in respect of

energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022.

69. Provision for all applicants: Homes for Ukraine scheme

(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—

- (c) an applicant's entitlement to a reduction under the scheme; or
- (d) the amount of any reduction to which the applicant is entitled.

(2) In this regulation—

“the Homes for Ukraine scheme” means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022.

Schedule 4

Class E - Care Leavers

1. The Council has determined that defined care leavers will have an entitlement under this scheme where they are liable to pay Council Tax.

Definition of a Care Leaver for the purposes of this scheme

2. The term 'care leaver' is defined in The Children (Care Leavers) Act 2000 and refers to eligible, relevant, and former relevant children:
 - The person is someone for whom a council has acted previously as a corporate parent;
 - Relevant children are those young people aged 16 and 17 who have already left care, and who were 'looked after' for at least 13 weeks from the age of 14 and have been 'looked after' at some time while they were 16 or 17; and
 - Former relevant children are those young people aged 18, 19 or 20 who have been eligible and/or relevant.
3. Care leavers can also be classified as a 'qualifying' care leaver. This category applies to young people who:
 - (a) Left care after 1st October 2001, after they had turned 16, but who are not 'eligible' or 'relevant' because they did not fulfil the 13-week criteria;
 - (b) Were accommodated, but in residential education, mental/health provision private fostering or Special Guardianship; or
 - (c) For the purposes of this policy 'qualifying care leavers' will be treated in the same way as 'care leavers'.
4. Additionally former care leavers born before 2001 will be designated as a qualifying care leaver for the purposes of this policy.

Entitlement to a reduction

5. Where the care leaver meets the definition as defined above **and** either the care leaver or their partner (if they have one) is liable for Council Tax, all income and capital (of the care leaver and their partner) shall be disregarded.
6. In such cases, the maximum Council Tax Reduction as calculated under Section 48 shall be 100%.

Transition from S13A(1)(C)

7. Previously the Council provided assistance to care leavers under Section 13A(1) (c) of the Local Government Finance Act 1992. Where the care leaver is moved to this scheme, any claim for reduction received no later than 30th June 2024, shall be treated as effective from 1st April 2024. Section 52.10 shall not apply to care leavers defined in this schedule.

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MIDDLESBROUGH COUNCIL	
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Report of:	Director of Regeneration
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Relevant Executive Member:	Executive Member for Regeneration
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Submitted to:	Executive
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Date:	17 January 2024
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Title:	Draft Local Plan
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Report for:	Decision
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Status:	Public
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Strategic priority:	Physical environment
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Key decision:	No
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Why:	Not applicable
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Subject to call in?:	Yes
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Why:	Not Urgent
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Proposed decision(s)
<p>That the Executive:</p> <ul style="list-style-type: none"> Endorses the Draft Local Plan for the purpose of public consultation.

Executive summary
<p>This report seeks endorsement of the Draft Local Plan, which sets out the Council's emerging planning policy framework that will guide development and decisions on planning applications, and covers the period 2022 – 2041. Critically, it sets out the housing allocations where new housing development is proposed to take place, alongside other planning policies for: housing; economic growth; green and blue</p>

infrastructure; physical, social and environmental infrastructure; the historic environment; and design/placemaking. Once agreed, the Draft Local Plan will be subject to public consultation, following which the plan will be finalised and subject to further statutory consultation. It will then be submitted to the Government for independent examination ahead of its adoption.

There is a statutory duty for the Council to prepare a Local Plan for its area. The Draft Local Plan has been prepared in accordance with national policy and legislation, taking into account other Council plans and strategies. This includes being based on a robust evidence base.

The implications of the recommendations have been considered by the appropriate officers of the Council and are set out in the main body of the report.

1. Purpose

- 1. To seek endorsement of the Draft Local Plan for the purpose of public consultation.

2. Recommendations

That the Executive

- Endorses the Draft Local Plan for the purpose of public consultation.

3. Rationale for the recommended decision(s)

- 2. It is a statutory requirement to prepare a Local Plan that identifies land for development and can be used as a basis for determining planning applications. The Local Plan is critical for delivering some of the Council’s key strategic objectives, in particular population retention, increasing the housing supply and supporting economic growth. The development it will help secure will make a positive contribution to the financial sustainability of the Council.
- 3. Whilst the Draft Local Plan stage is not in itself a statutory requirement, it will enable the Council to undertake necessary public consultation and progress to subsequent stages of plan preparation. An up-to-date Local Plan will also help the Council maintain control of development in the borough.

4. Background and relevant information

- 4. Under the provisions of the Planning and Compulsory Purchase Act 2004, the Council is required to prepare a statutory development plan, otherwise known as a Local Plan, for the borough that sets out the policies and land allocations to guide development in the area. The Local Plan is a strategic document that will help facilitate the right type of development the Council wishes to deliver to achieve its ambitions and support the long-term financial sustainability of the borough.

5. Currently, the statutory development plan for Middlesbrough comprises a number of documents:
- the Housing Local Plan 2014;
 - the Joint Tees Valley Minerals and Waste Core Strategy Development Plan Document (DPD) 2011;
 - the Joint Tees Valley Minerals and Waste Policies & Sites DPD 2011;
 - part of the Middlesbrough LDF Core Strategy 2008 (policies that that haven't been replaced or deleted);
 - part of the Regeneration DPD 2009 (policies that that haven't been replaced or deleted);
 - part of the Local Plan 1999 (policies that that haven't been replaced or deleted); and
 - adopted Neighbourhood Plans for Stainton and Thornton, and Marton West.
6. In September 2022, the Council agreed to commence work on a new Local Plan for the borough. The purpose of the review is to ensure all of the Council's planning policies are up-to-date, and to bring them together into a single document. The review excludes Minerals and Waste policies, which were adopted jointly across the Tees Valley in 2011 and will be reviewed jointly by the Tees Valley Authorities separately to the Local Plan review. The review also excludes the adopted Neighbourhood Plans, which are prepared at the neighbourhood level and remain the responsibility of their respected Neighbourhood Forums or Parish Councils.
7. In November 2022, the Council approved the Local Plan Scoping Report. This enabled the local planning authority to meet Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 by notifying each of the specified bodies and persons of the subject of the Local Plan and inviting them to make representations on what the Local Plan ought to contain. The Scoping Report was subject to public consultation between 5th December 2022 and 31st January 2023. The Report of Consultation on the Local Plan Scoping Report is attached as Appendix 2 to this report.

Draft Local Plan

8. The Council has since prepared the Draft Local Plan, attached as Appendix 3 to this report. A robust and credible evidence base has been used to help establish the draft policy framework, in line with national planning policy. It is particularly important that we base our planning policies upon this evidence as it helps to ensure that the Council is planning for the correct level of development to meet local needs and to deliver its ambitions. It also helps to ensure that the Local Plan is prepared in a legally compliant and sound way, and will stand up to independent scrutiny through the Independent Examination process that will take place at a later stage of plan preparation.
9. In addition to ensuring identified needs are met, the Draft Local Plan incorporates policies to support the wider ambitions of the Council, as set out in other plans and strategies, and the Strategic Objectives agreed previously in the Scoping Report. It takes into account the comments received during the earlier consultation on the Scoping Report, and sets out the Council's preferred approach for each policy area that the Local Plan will seek to address.

10. The structure of the Draft Local Plan is as follows:

Chapter	Strategic Objective	Summary of Policy Approach
1. Introduction		
2. Strategy and Vision		Sets out the Vision to 2041, overall development strategy, and policy on the Middlesbrough Development Corporation area.
3. Creating Quality Places	<ul style="list-style-type: none">• Objective A To deliver new high quality, well-designed and energy efficient development that meets the needs and aspirations of our current and future residents• Objective H To achieve healthy and safe communities	Includes design and generic development control policies to ensure development is of high quality and helps create quality places.
4. Economic Growth	<ul style="list-style-type: none">• Objective B To revitalise Middlesbrough Town Centre through diversifying our retail and leisure offer, and attracting new urban dwellers, supported by a strong network of district and local centres• Objective C To strengthen our local economy by supporting existing businesses and attracting new employers	Sets out the economic growth policies for industrial and employment areas, and the Town Centre. Helps to create an environment conducive to securing investment.
5. Housing	<ul style="list-style-type: none">• Objective D To build high quality homes that help strengthen our communities	Includes policies determining the overall housing requirement, the type and mix of housing that will be required, site allocations, affordable housing, the approach to Gypsies, Travellers and Travelling Showpeople, and policies for guiding conversions and changes of use to Houses in Multiple Occupation.
6. Green and Blue Infrastructure	<ul style="list-style-type: none">• Objective E To protect and enhance our Green and Blue Infrastructure Network	Sets out our approach to protecting existing open spaces and securing new ones as part of new development.
7. Physical, Social and	<ul style="list-style-type: none">• Objective F To ensure that new development is properly served by, and sustainably connected to,	Includes policies that set out our approach to securing infrastructure that supports new development, including transport,

Environmental Infrastructure	new and improved physical, social and environmental infrastructure • Objective H To achieve healthy and safe communities	community facilities, education, health, communications and burial grounds.
8. Historic Environment	• Objective G To recognise and value our historical and culturally important assets	Sets out policies to manage listed buildings, conservation area and other designated & non-designated heritage assets.

11. The Draft Local Plan covers the whole of the borough of Middlesbrough, including the part that is covered by the Middlesbrough Development Corporation (MDC). Whilst the MDC is the planning authority for making decisions on planning applications in that area of the town, Middlesbrough Council remains the plan-making authority. Although limited information has been provided regarding the development ambitions of the Corporation, including on sites that are subject to the asset transfer from the Council, Officers have endeavoured to work collaboratively with the MDC in preparing the plan. Officers will continue to seek a collaborative approach as the Local Plan is progressed. Once adopted, the Council and the MDC will both be required to make decisions in accordance with the Local Plan unless material considerations indicate otherwise.
12. One of the key issues that the Local Plan will address is the need for housing and the supply of land to address this need. The Draft Local Plan identifies the level of need as being 400 dwellings per annum, taking into account our jobs growth ambitions of 350 additional jobs per annum. Overall this equates to a requirement for an additional 7,600 dwellings between 2022 and 2041. This is the minimum level of housing that is required, and housing allocations are proposed to meet this requirement plus an additional buffer of just over 11%. This buffer allows for variations in delivery and help ensure that the Council maintains a 5 year land supply.
13. The Draft Local Plan also seeks to reflect key aspects of the adopted Green and Blue Infrastructure Strategy and identifies and protects a network of key open spaces to meet the needs of existing and future residents. The Draft Local Plan includes enhancements to open space at through larger housing allocations including the Stainsby Country Park.
14. The Draft Local Plan has been subject to sustainability appraisal (SA), which is a legal requirement of plan preparation. The SA assesses the draft policies against the Council's sustainability framework, along with alternative options, to ensure that the preferred approach promotes a sustainable pattern of development. The SA is an independent assessment, having been prepared by consultants. The SA report will be subject to public consultation alongside the Draft Local Plan.
15. Public consultation is programmed to take place on the Draft Local Plan between 1st February and 15th March 2024. Various awareness raising and engagement methods will be used including direct communication with Local Plan consultees, site notices at proposed allocations, a press release and promotion through social media. We will be

holding a series of public drop in sessions across the borough (the dates and venues for which are still being finalised). In addition, all ward members have been invited to briefings and workshops to discuss the planning issues in their areas.

5. Other potential alternative(s) and why these have not been recommended

16. Not to endorse the Draft Local Plan. This will mean that we will no longer progress the Local Plan review as agreed previously by the Council and will retain existing out-of-date policies for longer. This will, in turn, present more challenges in achieving the type and quality of development that will help the Council realise its ambitions.

6. Impact(s) of the recommended decision(s)

6.1 Financial (including procurement and Social Value)

17. The costs associated with this stage of the preparation of the Draft Local Plan and the public consultation estimated to be £2,000 and are being met through approved departmental budgets. The costs of the future stages of preparing the Local Plan through to adoption are likely to be in the region of £200,000 and will be profiled and planned within the approved budget for future years.

18. The Local Plan will be critical in providing the certainty that investors require in making their decisions to invest in Middlesbrough.

19. Over the lifetime of the Local Plan, it is anticipated that it will help secure new housing development that will have the potential to substantially broaden the Council Tax base (both in terms of overall number of chargeable dwellings and the proportion of those dwellings at Band D and above) and support business rates growth. Subject to the continuation of the grant, which remains uncertain, increasing the net number of housing dwellings will attract additional funding via the New Homes Bonus. Increasing the Council Tax base will improve the financial sustainability of the Council given that it currently has a low taxbase with around 85% of households in Bands A to C.

20. Housing growth may also increase the demand for Council services and potentially local infrastructure. This will be addressed at the next stage of the local planning process.

6.2 Legal

21. There is a statutory duty to prepare a Local Plan in accordance with the Planning and Compulsory Purchase Act 2004. Failure to have an up-to-date Local Plan will result in the Council, as local planning authority, losing some control over the decision making process for planning applications.

22. The Localism Act 2011 includes the 'Duty to Cooperate', which places a duty on the Council to cooperate with other, specified organisations to ensure strategic and cross-boundary issues are properly considered in the plan making process.

23. The Local Planning Regulations 2012 set out, in further detail, the process that must be followed in preparing a Local Plan.

24. The Draft Local Plan is not a statutory plan making stage. The consultation must, however, be undertaken in accordance with the Council's adopted Statement of Community Involvement.

6.3 Risk

25. The following risks are affected by this report:

O8-055	If the Council doesn't respond effectively and efficiently to legislative changes it could be in breach of statutory duties in relation to service delivery and fail to make the most of opportunities.	The Draft Local Plan has been prepared in accordance the legislation and latest Government guidance. This will provide the opportunity to best ensure legislative requirements will be satisfied, so this will have a positive impact on this risk.
O1-005	If poor economic growth occurs, then this will reduce public and private sector investment in the town, including town centre retail, housing development and business.	The development of a new local plan will support the revitalisation of the town with urban housing etc. so will have a positive impact on this risk.
O1-051	A major downturn in housing growth that results in a significant decline in new housebuilding in Middlesbrough, resulting in lower house building rates lower Council Tax receipts and thereby increasing the risk of impact on successful delivery of the MTFP.	By producing a new local plan with revised base data this will ensure that the correct data is being utilised and that any links with the MTFP will be more accurate so this will have a positive impact on this risk.
O1-052	Substantial areas of the town have high residential voids/low sales values and high population churn, effectively creating market failure resulting in significant social consequences which in turn have implications for Council resources and service delivery. Such an approach is unsustainable and will result in the need for significant market invention at great cost to the Council.	By reviewing the local plan it will create a positive planning framework for areas across the Borough but with the new strategic direction this will look at the revitalisation of the town centre so this would have a positive impact on this risk.

6.4 Human Rights, Public Sector Equality Duty and Community Cohesion

26. An impact assessment has been completed on the Draft Local Plan and is attached to this report at Appendix 1. This concluded that the Draft Local Plan will not have an adverse impact on individual human rights.

6.5 Climate Change / Environmental

27. The Draft Local Plan sets out a policy framework to deliver sustainable development, including policies that will help minimise the impact of development on climate change, and help mitigate the impact of climate change on our communities. This includes a specific policy on Climate Change and Flood Risk.

6.6 Children and Young People Cared for by the Authority and Care Leavers

28. The Draft Local Plan does not impact on Children and Young People Cared for by the Authority and Care Leavers.

6.7 Data Protection / GDPR

29. The consultation on the Draft Local Plan will involve the collection and processing of personal data, in accordance with the statutory requirements associated with plan preparation. Given this statutory basis, there are no concerns that the Draft Local Plan could impact adversely on data protection or GDPR.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Commence public consultation on the Draft Local Plan	Alex Conti	1 st February 2024

Appendices

1	Initial Impact Assessment
2	Report of Consultation on the Local Plan Scoping Report
3	Draft Local Plan

Background papers

Body	Report title	Date
Middlesbrough Council	Local Plan Scoping Report	November 2022

Contact: Alex Conti, Strategic Policy Manager
Email: alex_conti@middlesbrough.gov.uk

Appendix 1 – Initial Impact Assessment of the Draft Local Plan

Impact Assessment Level 1: Initial screening assessment

Subject of assessment:	Draft Local Plan			
Coverage:	Crosscutting			
This is a decision relating to:	<input checked="" type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function
	<input type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input type="checkbox"/> Project	<input type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
It is a:	New approach:	<input type="checkbox"/>	Revision of an existing approach:	<input checked="" type="checkbox"/>
It is driven by:	Legislation:	<input checked="" type="checkbox"/>	Local or corporate requirements:	<input type="checkbox"/>
Description:	<p>Key aims, objectives and activities</p> <p>The Draft Local Plan has been prepared to set out the Council's preferred approach to revising its Local Plan, in order to facilitate community consultation. The Draft Local Plan identifies the key policy areas that the Local Plan will address, along with the preferred approach for each policy. The key policy areas include: the overall vision and strategy; creating quality places; economic growth; housing; green and blue infrastructure; physical, social and environmental infrastructure; and the historic environment. The report will be subject to six weeks consultation, with any comments received being taken into account in finalising the Local Plan.</p> <p>Statutory drivers</p> <p>The Council must prepare Local Plans and associated planning documents, under the requirements of Planning and Compulsory Purchase Act 2004, the Localism Act 2011, and the National Planning Policy Framework (NPPF).</p> <p>Differences from any previous approach</p> <p>The emerging Local Plan will update the whole of the Council's planning framework (except that relating to minerals and waste development) in line with the latest legislation and policy/guidance. This includes new policy approaches for all areas with a strengthened focus on placemaking, good quality design, a revitalised town centre and a strong network of infrastructure. New site allocations have also been identified for the location of new development.</p> <p>Key stakeholders and intended beneficiaries (internal and external as appropriate)</p>			

	<p>The key stakeholders are: The Council, Middlesbrough Development Corporation, developers, businesses, investors and the local community.</p> <p>Intended outcomes.</p> <p>To set out the Council's preferred approach to the new Local Plan and to provide a basis for public consultation, the outcomes of which will be used in finalising the Local Plan.</p>			
Live date:	The Executive will consider the report seeking approval for the Draft Local Plan on 17 th January 2024.			
Lifespan:	Until the revised Local Plan is finalised.			
Date of next review:	Not applicable			
Screening questions	Response			Evidence
	No	Yes	Uncertain	
<p>Human Rights</p> <p>Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Draft Local Plan will be subject to consultation in accordance with the Council's Statement of Community Involvement. It will provide the opportunity for everyone to understand the Council's preferred approach to changing its planning policies and to make comments about these. The comments will be fully considered and taken into account in finalising the Local Plan.</p> <p>In light of the above, it is not considered that the Draft Local Plan will have an adverse impact on individual human rights.</p>
<p>Equality</p> <p>Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Draft Local Plan sets out the preferred approach to changing the Council's planning policies. It will be subject to consultation in accordance with the Council's Statement of Community Involvement, and is open to everyone.</p> <p>In light of the above, it is not considered that the Draft Local Plan will have an adverse impact on different groups or individuals in terms of equality.</p>
<p>Community cohesion</p> <p>Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Draft Local Plan sets out the preferred approach to changing the Council's planning policies. It will be subject to consultation in accordance with the Council's Statement of Community Involvement, and is open to everyone.</p> <p>In light of the above, it is not considered that the Draft Local Plan will impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town.</p>

Next steps:

- ➡ If the answer to all of the above screening questions is No then the process is completed.
- ➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.

Assessment completed by:	Alex Conti	Head of Service:	Paul Clarke
Date:	12/12/23	Date:	12/12/23

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Middlesbrough Local Plan Scoping Report –
Report of Consultation
March 2023

Introduction

In November 2022, the Council published a Scoping Report as the first stage in the preparation of the new Local Plan. The Scoping Report set out the key issues the Council believes should be addressed in the new Local Plan.

The Scoping Report was used as the basis for stimulating debate with key stakeholders, residents and other interested parties on issues including the economy, design, housing, environment, community facilities, heritage assets, infrastructure and transport and how to address these through the Local Plan.

This report sets out a summary of the consultation undertaken by Middlesbrough Council for the Local Plan Scoping Report. The report sets how the consultation was undertaken and provides a summary of the issues raised. The consultation was carried out inline with the agreed Consultation Plan also in accordance with the Council's Local Plan Statement of Community Involvement which was adopted in March 2020.

Who was consulted

Comments on the Scoping Report were sought during a six week period from 5th December 2022 to 31st January 2023. A total of 1593 letters and emails were sent out to the statutory consultees, individuals and organisations on the Council's Local Plan consultee database inviting them to comment on the Scoping Report. Consultees ranged from statutory consultees, such as National Highways, Historic England, the Environment Agency and Natural England, to parish and community councils, community groups and interested local residents. A Scoping Report for the Sustainability Appraisal was also prepared and was subject to consultation. Consideration of the comments received has been carried out separately as part of the concurrent sustainability appraisal process.

Consultation details

Emails and letters advertising the consultation on the Scoping Report were circulated to those on the planning consultee database, at total number of x were sent out (See letter in appendix 1). The consultation was also publicised on the Council's website (See website text in appendix 2), and the document was made available to view at Middlesbrough House and at all libraries and community hubs in Middlesbrough. In addition, the consultation was publicised on the Council's social media channels including Facebook, Twitter and Linked In (see attached in appendix 3). Further to this, targeted consultation was undertaken on Facebook to reach Middlesbrough residents. The Facebook post reached 37, 945 (the amount of Facebook accounts it was served too, so potential people who've seen the ad at least once) and the link was accessed 3269 times.

Responses Received

Responses were received from 39 different organisations/individuals including National Highways, the Environment Agency, Natural England, Historic England and number of community groups and residents.

Summary of the issues raised in the consultation

The consultation responses highlighted a number of key issues, which have been taken into account when developing the Draft Local Plan. The consultation asked five key questions, These key questions were:

- Question 1 Is the proposed geographical area (i.e. the whole of Middlesbrough Local Authority Area) appropriate for preparing a new Local Plan?
- Question 2 Is the proposed plan period of 2022 – 2039 appropriate?
- Question 3 Do you consider that the proposed evidence base sufficiently covers all relevant matters for the Local Plan?
- Question 4 Do you agree with the identified Objectives?
- Question 5 Having read the Scoping Report, is there anything else we should include within the new Local Plan?
- Question 6 Do you have any other comments?

Table 1 sets out the number of comments made on each question in relation to the Local Plan Scoping Report.

Table 1 Number of Comments Received by Question

Local Plan Scoping Question	Number of responses received
Is the proposed geographical area (i.e. the whole of Middlesbrough Local Authority Area) appropriate for preparing a new Local Plan?	28
Is the proposed plan period of 2022 – 2039 appropriate?	24
Do you consider that the proposed evidence base sufficiently covers all relevant matters for the Local Plan?	25
Do you agree with the identified Objectives?	28
Having read the Scoping Report, is there anything else we should include within the new Local Plan?	31
Do you have any other comments?	23

A summary of all the comments received is set out below.

Question 1 Is the proposed geographical area (i.e. the whole of Middlesbrough Local Authority Area) appropriate for preparing a new Local Plan?

- The majority of people who responded agreed that the geographical area identified for Middlesbrough was appropriate.
- Only one respondent stated that the geographical area identified was not appropriate but did not specify why.

- It was stated that it is important for the new Local Plan to have consideration of the wider Tees Valley region. It was suggested that Middlesbrough needs to proactively engage with neighbouring authorities to ensure that cross boundary issues are duly considered.
- Bellway Homes suggested that the current Development Plan is dated and as such it is crucial that the emerging Middlesbrough Local Plan covers the entire Middlesbrough Local Authority area. They also suggested it is paramount that the future development of the Middlesbrough Local Authority area is considered holistically to realise strong economic ambitions.
- The TVCA suggest that consideration should be given to identifying 'Middlesbrough Development Corporation within the proposed geographical area'
- National Highways suggested that in respect of the Strategic Road Network it is important that the Plan considers that wider function, the relationships with surrounding authorities and the strategies of the Tees Valley Combined Authority.

Question 2 Is the proposed plan period of 2022 – 2039 appropriate?

- The responses to this question were mixed, some of the respondents thought the plan period was appropriate while some did not.
- There was some concern that while the timescale could be considered compliant with the NPPF the time period identified does not give enough flexibility in case of delay and material changes in planning processes.
- A number of respondents thought additional time should be added to the end of the plan period.
- Taylor Wimpey suggested that the proposed plan period meets the requirements of NPPF to be at least 15 years and that given the geography of the borough it would be sensible for the Council to start considering beyond this plan period and that in the interests of good planning that the Council should look to implement a longer plan period.
- However, one resident suggested that it should be a smaller timescale.
- Another respondent suggested it should be reviewed throughout the period.

Question 3 - Do you consider that the proposed evidence base sufficiently covers all relevant matters for the Local Plan?

- The responses again to this question were mixed with some respondents considering the evidence base was sufficient and others suggesting it is lacking in certain areas.
- One respondent suggest that the evidence base insufficient because it is not clear how the proposed evidence base relates to the requirement for an updated evidence base following cessation of work on the draft Local Plan and that there are material considerations which warrant a comprehensive review of a number of evidence base documents.
- Story Homes welcomes the intention to prepare and complete an up-to-date evidence base as outlined in the Scoping Report.
- One respondent felt that the evidence base as presented in the Scoping report may well cover most of the areas expected of a local plan, i.e. housing economy, natural environment, etc but that it does not meet the criteria of being "a robust evidence base that takes account of the projected population changes for the area and assesses the level of development that will be required to meet the needs of this population". The same respondent felt that there has been an over reliance on specific companies to produce evidence documents.

- Other respondents made the point that the evidence base needs to be kept as up to date as possible for example in terms of viability assessment, SHLAA, Strategic Housing Market Assessments, retail studies and flood risk.
- The areas respondents thought the evidence base was lacking included:
 - Rights of way
 - Nutrient neutrality
 - Transport evidence
 - Landscape sensitivity
 - Natural environment evidence, including nature capital, biodiversity net gain
 - Infrastructure delivery/infrastructure funding statement
- Other respondents suggested other documents that should be included in the evidence base including
 - The Contaminated Land Inspection Strategy 2022-2027
 - North East Invasive Non-native Species Strategy and Action Plan'
 - Local Nature Recovery Strategy
 - ORS report on population growth
 - TVCA The Tees Valley Economic Assessment
 - A heritage topic paper
 - Public Health Documents including the Joint Health and Wellbeing Strategy and emerging Joint Strategic Needs Assessment.
- A number of respondents suggested that the impact of the Middlesbrough Development Corporation needs to be assessed in terms of the impact on the Local Plan.

Question 4 - Do you agree with the identified Objectives?

- The majority of people suggested they broadly agreed with the objectives.
- Some respondents suggested additions to some of the objectives in terms of the protection of greenfield sites.
- Particular support was given by housebuilders to Objective D to build high quality homes that help strengthen communities.
- Bellway Homes suggested the inclusion of an additional Objective: Work collaboratively with national, regional, and local stakeholders to address local barriers to delivery in an efficient manner.
- National Highways generally supported the identified Objectives. They suggested that Objective F (To ensure that new development is properly served by new and improved physical, social and environmental infrastructure) to include sustainable connectivity. To include something on non-infrastructure based solutions also have an important part to play.
- Historic England stated they were pleased to see an objective on the Historic Environment.
- Two respondents particularly welcomed the inclusion of Objective F on Healthy and Safe communities.
- One respondent thought the objectives are high level and lack details and should include priorities to provide additional detail.
- A number of respondents identified that there is no reference to the Council's green strategy or net zero.

- Evolve Estates stated that Objective B, whilst laudable in its aim to strengthen Middlesbrough Town Centre, needs to be far wider in terms of also focussing on the hierarchy of centres below.

Question 5 Having read the Scoping Report, is there anything else we should include within the new Local Plan?

- A number of respondents identified additional areas that the Local Plan should include policies on.
- The British Horse Society suggest there should be a policy within the Local Plan regarding the contribution from the equestrian community to the local economy and the access matters for equestrians.
- The Friends of the Stockton & Darlington Railway recommend that the new plan contains a specific policy to protect, enhance and promote the understanding of the S&DR 1830 Middlesbrough Branch and Port Darlington, its remaining fabric and its setting.
- A representative for the Travelling Showpeople community suggested that there is a new for a new area(yard) for the future needs of Travelling Showpeople.
- Some respondents including housebuilders and the HBF made reference to the housing requirement and how this is established in the emerging Local Plan and the need to adopt a housing requirement higher than the standard methodology figure.
- A number of housebuilders and the HBF make reference to the potential to include space standards and that it must be noted that they are only intended to be optional and can only be introduced where there is a clear need and they don't unduly impact upon development viability.
- A respondent suggests that there should be a clear approach to nutrient neutrality set out in the Local Plan.
- The Environment Agency states that Local Plans should be prepared in accordance with flood risk policy in the NPPF and NPPG.
- National Highways make reference to the need for the Local Plan to address the Net Zero agenda.
- Historic England state the importance of the Local Plan having a positive strategy for the historic environment.
- Some residents and community groups suggested that the Local Plan should include an green strategy and how the one planet living principles can be delivered.
- One resident suggested that the Mandale Meadow scheme should be dismissed.
- One resident suggested that the road through Mandale Meadow be removed.
- One respondents requested that the Stainsby site continues to be identified as an allocation for residential development.
- One respondent suggested that reference should be made in the plan to the Middlesbrough Development Corporation. In addition, the TVCA suggest the MDC Masterplan and Design Code should be referenced.
- One respondent suggests the Local Plan should consider the need for specialist housing for older people.
- One respondent suggests that the Local Plan has policies in place to encourage investment in Centres.

Do you have any other comments?

- A number of responses were received which didn't directly relate to the other questions.
- The British Horse Society stated they object the emerging Local Plan on the grounds that the policy excludes equestrians.
- A number of housebuilders submitted details on housing sites they would like to be considered for inclusion in the Local Plan.

Next steps

All of the comments received will be considered and taken into account in developing the Draft Local Plan.

Direct Line: (01642) 729065

Our Ref: Local Plan/DEV1

Your Ref:

When telephoning please ask for:
PLANNING POLICY

1st December 2022

Dear Consultee,

Consultation on the Middlesbrough Local Plan Scoping Report and accompanying Sustainability Appraisal and ‘Call for Sites’

I write to inform you of Middlesbrough Council's intention to prepare a new Local Plan. The Local Plan will set out a vision for the future development of Middlesbrough. Once adopted the Local Plan will replace existing Borough wide planning policy documents and will provide a basis for determining planning applications.

The Scoping Report is the first stage in the preparation of the new Local Plan. The Scoping Report sets out the geographical area and timescale that the Local Plan will cover, the broad planning topics and objectives it will address and the proposed layout of the new Local Plan.

In accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 the Council will consult on the Scoping Report and the accompanying Sustainability Appraisal Scoping Report between **5th December 2022 and 31st January 2023**. The purpose of the consultation is to seek your views on what the new Local Plan ought to contain.

The Local Plan Scoping Report and Sustainability Appraisal Scoping Report will be available to view on the Planning pages of the Council's website www.middlesbrough.gov.uk; and in Middlesbrough House, Council libraries and in Community Hubs.

Any comments you wish to be taken in to account should be made in writing by 31st January 2023:

- on the Council's consultation portal, which can be accessed from the Planning pages of the Council's website www.middlesbrough.gov.uk;
- by email to: planningpolicy@middlesbrough.gov.uk; or,
- via post to: Planning Policy Team, Planning Services, Middlesbrough Council, Fountain Court, 119 Grange Road, Middlesbrough, TS1 2DT.

‘Call for Sites’

Alongside the consultation on the Scoping Report and accompanying Sustainability Appraisal the Council is also issuing a ‘Call for Sites’. This is an opportunity to submit sites to be considered for their future development potential.

A list of sites and boundary plans is available on the Planning pages of the Council’s website www.middlesbrough.gov.uk for the following:

- sites previously submitted for consideration as potential housing sites along with existing housing allocations and sites with planning permission and sites under construction;
- sites allocated for gypsies and travellers and travelling showpeople; and,
- sites allocated for employment use.

Sites should only be submitted with the landowner’s consent and where they are willing to release the site for development. In the case of sites to be considered for housing the site should be a minimum of 0.25 ha or able to accommodate at least 5 dwellings. All submissions must be accompanied by a plan showing the boundary of the proposed site.

Site submissions should be made in writing by 31st January 2023:

- on the Council’s consultation portal, which can be accessed on the Planning pages of the Council’s website www.middlesbrough.gov.uk; or
- on the site submission form available to download from the above website which should be either emailed to planningpolicy@middlesbrough.gov.uk or submitted by post to Planning Policy Team, Planning Services, Middlesbrough Council, Fountain Court, 119 Grange Road, Middlesbrough, TS1 2DT.

If you require any further information regarding this communication, please do not hesitate to contact the Planning Policy Team via telephone number 01642 729065 / 729487.

Yours faithfully,



Paul Clarke
Head of Planning



Emerging Local Plan

The council approved the Local Plan Scoping Report on 30 November 2022. The report is the first stage in preparing the new Local Plan.

The Local Plan sets out a vision for the future development of Middlesbrough. Once the Local Plan comes into force (is 'adopted'), it will replace the town's existing planning policies, and will be used to help decide planning applications.

The scoping report sets out:

- the area the Local Plan will cover
- the amount of time it will cover
- the broad topics and objectives it will include
- the proposed layout of the new Local Plan

We also have to look at sustainability as part of the Local Plan. This involves carrying out a sustainability appraisal of the Local Plan to make sure we consider the potential environmental, social, and economic effects of the Local Plan. The Sustainability Appraisal Scoping Report is the first stage of this. It includes baseline information, identifies sustainability issues, and sets out an appraisal framework.

Documents

- [Local Plan Scoping Report](#)
- [Sustainability Appraisal Scoping Report](#)

Unfortunately, these documents are not fully accessible. You can view paper copies of the reports at Middlesbrough House, and in council [libraries and community hubs](#).

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OK, I agree

Reject

The easiest way to take part is to complete the online response form. There are two forms, one about the scoping report and one about the sustainability appraisal:

- [fill in the scoping report form](#)
- [fill in the sustainability appraisal form](#)

If you're struggling to use the online form, you can also take part by sending your comments:

- by email to: planningpolicy@middlesbrough.gov.uk
- by post to: Planning Policy, Middlesbrough Council, Fountain Court, 119 Grange Road, Middlesbrough, TS1 2DT

The consultation closes on **31 January 2023**.

Call for sites

We're also running a 'call for sites'. During this time, sites which might be suitable for future development can be submitted to the council. [Find out more and take part in the call for sites](#).

Contact

For more information, contact the Planning Policy team by calling 01642 729065 or 01642 729487, or emailing planningpolicy@middlesbrough.gov.uk.

Latest News

Middlesbrough Bus Station gets national award

Teesside's busiest transport hub has been given a national award for keeping passengers safe during visits to Middlesbrough.

Major boost for Ubuntu Multicultural Centre

Ubuntu Multicultural Centre CIC has had a fantastic start to 2023, having been awarded a £100,000 National Lottery Community Fund grant which will enable the organisation to continue running its Multicultural Drop-in Centre supporting local Black and ethnic minority communities for the next three years.

Government issues Best Value Notice to Council

On January 24, a Best Value Notice was issued to Middlesbrough Council by the Department for Levelling Up, Housing and Communities.

more news



Raise funds for your sports club or community group

middlesbroughlottery.co.uk



Middlesbrough Council

1 d · 🌐



Have your say on plans for future development of Middlesbrough 🗣️

Consultation is underway on the Middlesbrough Local Plan Scoping Report.

The plan guides things like what can be built where and how the development of land can help the area thrive through new housing, more jobs and a thriving economy.

The consultation is now live and will run until January 31 2023.



Have your say at www.middlesbrough.gov.uk/localplan





Middlesbrough Council

7,721 followers

54m •



Have your say on plans for future development of Middlesbrough

Consultation is underway on the Middlesbrough Local Plan Scoping Report.

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Have your say at



<https://lnkd.in/eJichfQk>



Middlesbrough Draft Local Plan

January 2024



Middlesbrough Council
Planning Services

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1. Introduction

- 1.1 The Council has prepared this Draft Local Plan to set out a strategy, vision and planning framework for the future development of Middlesbrough. In doing so it is based on a robust evidence base that takes account of the projected population change for the area, and assesses the level of development that will be required to support the needs of this population.
- 1.2 The Draft Local Plan also takes account of the Council's other plans and strategies to ensure they can be supported by the planning framework, that economic development and growth are not constrained through the planning system, and that there is enough land available to meet all of the borough's needs and aspirations.

Background

- 1.3 In 2016, the Council started preparing a Local Plan to replace its existing policy framework. Commencing with an 'Issues and Options' consultation in December 2016 to January 2017, which started the process and provided an initial opportunity to comment on the proposed topics that the Local Plan should address.
- 1.4 Further public consultation was undertaken on the 'Preferred Options' in May and June 2018, which set out the Council's preferred policy approach at that time, with a series of public events held where this could be discussed further. The comments received during this consultation were used to finalise the emerging Local Plan, with formal representations invited on the 'Publication Local Plan' between November and December 2018.
- 1.5 However, a change in Council administration resulted in a halt to the Local Plan, which was never submitted to Government for Public Examination. Instead, the Council has continued to review its evidence base and consider alternative approaches to development in Middlesbrough.
- 1.6 In September 2022, the Council agreed to formally cease work on this emerging Local Plan, recognising that the issues being faced now were significantly different to those the Local Plan has previously been seeking to address. A further Council report was agreed to formally commence work on a new Local Plan, beginning with a Scoping Report in December 2022.

Existing Local Plan

- 1.7 The Council's existing adopted Local Plan for the borough is made up of various documents, as follows:
 - Housing Local Plan (2014);
 - Core Strategy Development Plan Document (DPD) (2008) – retained policies only;
 - Regeneration DPD (2009) – retained policies only;
 - Tees Valley Joint Minerals and Waste Core Strategy (2011);
 - Tees Valley Joint Minerals and Waste Policies and Sites DPD (2011); and
 - Middlesbrough Local Plan (1999) – saved policies only.

- 1.8 The full list of policies that will be replaced by the new Local Plan is set out in Appendix 4. The adopted Local Plan will remain the Local Plan for the borough until it is replaced by a new Local Plan.
- 1.9 Further information on the documents contained in the Middlesbrough Local Plan can be found in the Local Development Scheme (LDS). This is available on the Planning Services pages of the Council's website at www.middlesbrough.gov.uk

Scope of the new Local Plan

Geography

- 1.10 The new Local Plan will cover the whole of the Middlesbrough Local Authority Area.

Plan Period

- 1.11 The new Local Plan will cover the period 2022 – 2041.

Topics

- 1.12 It will deal with all planning matters except for minerals and waste, which will continue to be dealt with jointly with the other Tees Valley Local Planning Authorities.
- 1.13 Matters that the Local Plan will cover include topics as set out in the National Planning Policy Framework (NPPF):
- Achieving sustainable development
 - Delivering a sufficient supply of homes
 - Building a strong, competitive economy
 - Ensuring the vitality of town centres
 - Promoting healthy and safe communities
 - Promoting sustainable transport
 - Supporting high quality communications
 - Making effective use of land
 - Achieving well-designed places
 - Meeting the challenge of climate change and flooding
 - Conserving and enhancing the natural environment – Green Infrastructure
 - Conserving and enhancing the historic environment
- 1.14 In addition, a suite of development management policies will be included that will be used in the consideration of planning applications.
- 1.15 All of the new policies that will be applied to specific sites or areas will be illustrated on the Local Plan Policies Map.

Scoping Report

- 1.16 The Scoping Report was the first stage in the preparation of the new Local Plan. The purpose was to gather views from the public and stakeholders on the issues that need to be addressed in the Local Plan. Views from stakeholders and the public were sought on this document from 5th December 2022 and 31st January 2023. Following the consultation 39

responses were received, and these comments have informed the development of the Draft Local Plan.

Introduction to The Draft Local Plan 2024

- 1.17 This document is the Council's Draft Local Plan. Although it contains draft policies, it is still intended to be a discussion document. The purpose of this document is to gather views from the public and stakeholders on the Council's preferred approach to addressing planning issues in Middlesbrough. Your views are welcomed on this Draft Local Plan and any other issues you think the Local Plan should address. The views received during this consultation will be used to help finalise the Local Plan.
- 1.18 The Draft Local Plan takes into account national planning policy, strategic documents, evidence base documents and the responses received on the Scoping Report consultation.
- 1.19 The Draft Local Plan is structured around a series of themes. These themes are:
- Introduction
 - Strategy and Vision
 - Creating Quality Places
 - Economic Growth
 - Housing Development
 - Green and Blue Infrastructure
 - Physical, Social and Environmental Infrastructure
 - Managing the Historic Environment

Next steps

- 1.20 There are a number of stages in undertaking this review. These stages are listed below and are set out in Figure 1:
- Evidence gathering to establish an evidence base;
 - Scoping and identification of issues;
 - Draft Local Plan;
 - Publication;
 - Submission; and
 - Adoption.

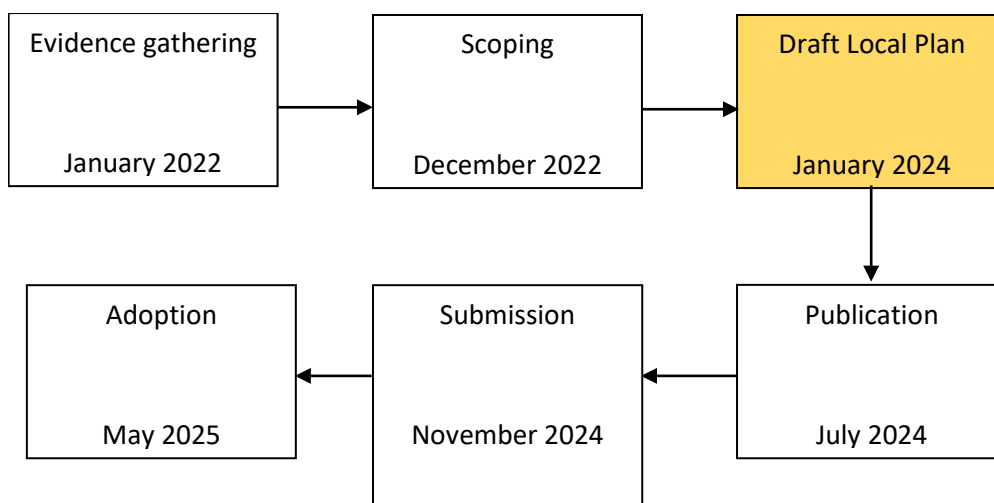


Figure 1 - Local Plan preparation process

Supporting documents

- 1.21 The Draft Local Plan is supported by a Sustainability Appraisal, which incorporates a Strategic Environment Assessment. The Sustainability Appraisal is a process through which the sustainability of a plan under preparation is assessed. A separate Sustainability Appraisal report is being published alongside the Draft Local Plan and will also be subject to consultation.

How to respond to this consultation

- 1.22 Consultation on the Draft Local Plan and the accompanying Sustainability Appraisal, will take place between Thursday 1st February 2024 and Friday 15th March 2024. Consultation will be undertaken in accordance with the Statement of Community Involvement (SCI).
- 1.23 The Draft Local Plan and Sustainability Appraisal will be available to view in Middlesbrough House, and all the Council libraries and Community Hubs.
- 1.24 Documents associated with the preparation of the Local Plan are available to view on the Planning Services pages of the Council's website at www.middlesbrough.gov.uk
- 1.25 Any comments you wish to be taken into account must be made in writing:
- on the Council's consultation portal, which can be accessed from the Planning pages of the Council's website www.middlesbrough.gov.uk
 - by email to: planningpolicy@middlesbrough.gov.uk
 - via post to: Planning Policy Team, Planning Services, Middlesbrough Council, Fountain Court, 119 Grange Road, Middlesbrough, TS1 2DT

2. Strategy and Vision

Strategic Context

- 2.1 The Local Plan is not being prepared in isolation. Middlesbrough Council is committed to delivering a range of strategies and plans, in partnership with other organisations, which have the ultimate aim of improving the lives of our residents. The Local Plan will be critical in supporting this, particularly where aims and objectives have associated impacts that may affect the use of land. The intention of the Local Plan is not simply to control development, but to facilitate and drive forward the whole development process to deliver better outcomes.
- 2.2 The Local Plan will, therefore, respond to the other key strategies and plans and ensure that the planning framework maximises the opportunity to achieve our ambitions.

The Council Plan 2024-27

- 2.3 The Council Plan sets out the overarching business plan for the medium-term, covering the period 2024 to 2027. It was endorsed by the Executive in December 2023, and will be considered by the Council in February 2024.
- 2.4 The Council Plan is structured around the following aims:
- **A Successful and Ambitious Town:** Maximising economic growth, employment and prosperity, in an inclusive and environmentally sustainable way;
 - **A Healthy Place:** Helping our residents to live longer and healthier lives, improving life chances and opportunities to thrive;
 - **Safe and Resilient Communities:** Creating a safer environment where residents can live more independent lives; and
 - **Delivering Best Value:** Changing how we operate, to deliver affordable and cost-effective outcomes for residents and businesses.
- 2.5 The Local Plan has a crucial role in supporting this by putting in place a robust planning policy framework that will manage development and identify sufficient land for economic development and housing growth. It will also help deliver development that supports the creation of healthy places, and creates a safer environment in which residents can live.

Other Policies, strategies, plans and studies

- 2.6 The preparation of this document has been informed by many other policies, plans, strategies and studies prepared by both the Council and its partners. These include the Tees Valley Strategic Economic Plan (2016-26), the Tees Valley Local Industrial Strategy, Middlesbrough Housing Strategy (2017-2020), Middlesbrough Integrated Transport Strategy, Middlesbrough Green Strategy and the Middlesbrough Green and Blue Infrastructure Strategy.

Strategic Objectives

- 2.7 Strategic Objectives have been determined based on the existing evidence base and knowledge of the local area. Draft Objectives were subject to consultation as part of the Local Plan Scoping Report and have been updated to reflect the comments received.
- 2.8 The Strategic Objectives that will guide our policies for development in Middlesbrough are set out below:
- **Objective A** To deliver new high quality, well-designed and energy efficient development that meets the needs and aspirations of our current and future residents
 - **Objective B** To revitalise Middlesbrough Town Centre through diversifying our retail and leisure offer, and attracting new urban dwellers, supported by a strong network of district and local centres
 - **Objective C** To strengthen our local economy by supporting existing businesses and attracting new employers
 - **Objective D** To build high quality homes that help strengthen our communities
 - **Objective E** To protect and enhance our Green and Blue Infrastructure Network
 - **Objective F** To ensure that new development is properly served by, and sustainably connected to, new and improved physical, social and environmental infrastructure
 - **Objective G** To recognise and value our historical and culturally important assets; and
 - **Objective H** To achieve healthy and safe communities

Local Plan Vision

By 2041, Middlesbrough will be at the heart of a thriving Tees Valley. The population of Middlesbrough, once in serious decline, will have recovered and be growing steadily. Significant investment will have transformed the Town through delivering high quality development, infrastructure and facilities. People will be proud to live, work and play here.

Having responded positively to the COVID-19 pandemic and the associated economic challenges that followed, the Town Centre has reinvented itself and revitalised. Retailing will still be a critical feature of the Town Centre, with superb shopping options alongside a transformed leisure sector, making it the default choice for residents and visitors seeking a day or night out. More jobs will have been created, providing opportunities to work across the sectors, with weekdays being a hive of activity. The Town Centre has become a focus for cultural activity and has become a regional centre of excellence for cultural events; this activity has been key to the regeneration of the town.

Underpinning the Town's strong economic growth is a successful and vibrant University that continues to attract quality graduates and has driven the revival of the surrounding urban area. Our economic growth has been underpinned by the continued success of the Town's digital sector.

A range of high quality housing will have been developed throughout Middlesbrough. Our young people will have the opportunity to access housing across the borough. Our families will have a choice of areas in which to raise their children. Middlesbrough's housing offer continues to support the town's economic growth. Our older and more vulnerable residents will be able to live in homes that are better suited to their needs.

Development will be focused on the creation of well designed, quality places where people want to live. Good quality public transport and walking and cycling routes will provide opportunities for sustainable and active travel across the Town. Excellent education and healthcare make Middlesbrough a great place to live for everyone. A coherent and wide ranging green and blue infrastructure network integrated within new developments will have been created, establishing links between neighbourhoods, the Town Centre and key facilities. This network has not only helped improved connectivity but has improved access to greenspace, helping to create healthy places and contributing to healthier lifestyles of the population and supporting greater biodiversity.

Our most historic and culturally important assets will continue to be protected and enhanced, so they can be cherished by our residents. Historic buildings will continue to be important in understanding Middlesbrough's past and help provide an attractive environment within which the economy prospers.

Development Strategy

- 2.9 Middlesbrough is in a central location within the Tees Valley with good transport links, and already functions as its civic and cultural centre. A successful and strong Tees Valley needs a strong Middlesbrough at its heart. The Council is aiming to build on these strengths and attract high quality development to Middlesbrough.

- 2.10 Middlesbrough has seen much successful development in recent years. The rise of the creative and digital sectors has helped to drive regeneration with cutting edge businesses successfully operating in the Boho Zone. Centre Square has been transformed through the development of new, high-quality offices. The Town Centre is being revitalised through diversification and the development of new leisure operators. New housing has been provided across the town, giving our communities significant choice in where to live.
- 2.11 The Council's Development Strategy is based on continuing this good work, rebalancing the economy and attracting more commercial and leisure activity into the Town Centre. It is important that we retain and grow our population to provide for a sustainable future. High quality housing is key to this, supported by the green, blue and other infrastructure that will help us create quality places.

Policy ST1 Development Strategy

To meet the needs of residents of Middlesbrough, promote future economic growth, and create cohesive and inclusive communities, the Council will put place-making at the heart of its planning decisions to:

- a. achieve development of the highest design standards, not only to look good and create quality places, but to minimise the impact on the environment;
- b. revitalise the Town Centre through rebalancing the economy, increasing the leisure offer and securing more Town Centre homes;
- c. deliver sustained, positive economic growth to realise an additional 350 jobs per annum for the plan period;
- d. deliver a wide range of housing to support the needs and aspirations of our residents, with a focus on urban living;
- e. ensure the provision and protection of a network of high quality, integrated and connected green and blue spaces that will transform the perception of Middlesbrough and help ensure a high quality environment for our residents;
- f. deliver appropriate infrastructure in a co-ordinated, timely and integrated way to support economic growth and development;
- g. direct development to the urban area where it can maximise the opportunities to deliver sustainable development;
- h. sustain and enhance our historic assets;
- i. adapt to and minimise the likely impacts of climate change; and
- j. promote healthy and safe communities with facilities to meet daily needs and improve health and wellbeing for our residents.

Middlesbrough Development Corporation

- 2.12 On 1st June 2023, The Middlesbrough Development Corporation (MDC) became the local planning authority for planning decision making for an area of the Town Centre and Middlehaven. The MDC area shown below covers the Town Centre, Historic Quarter Conservation Area and Middlehaven.

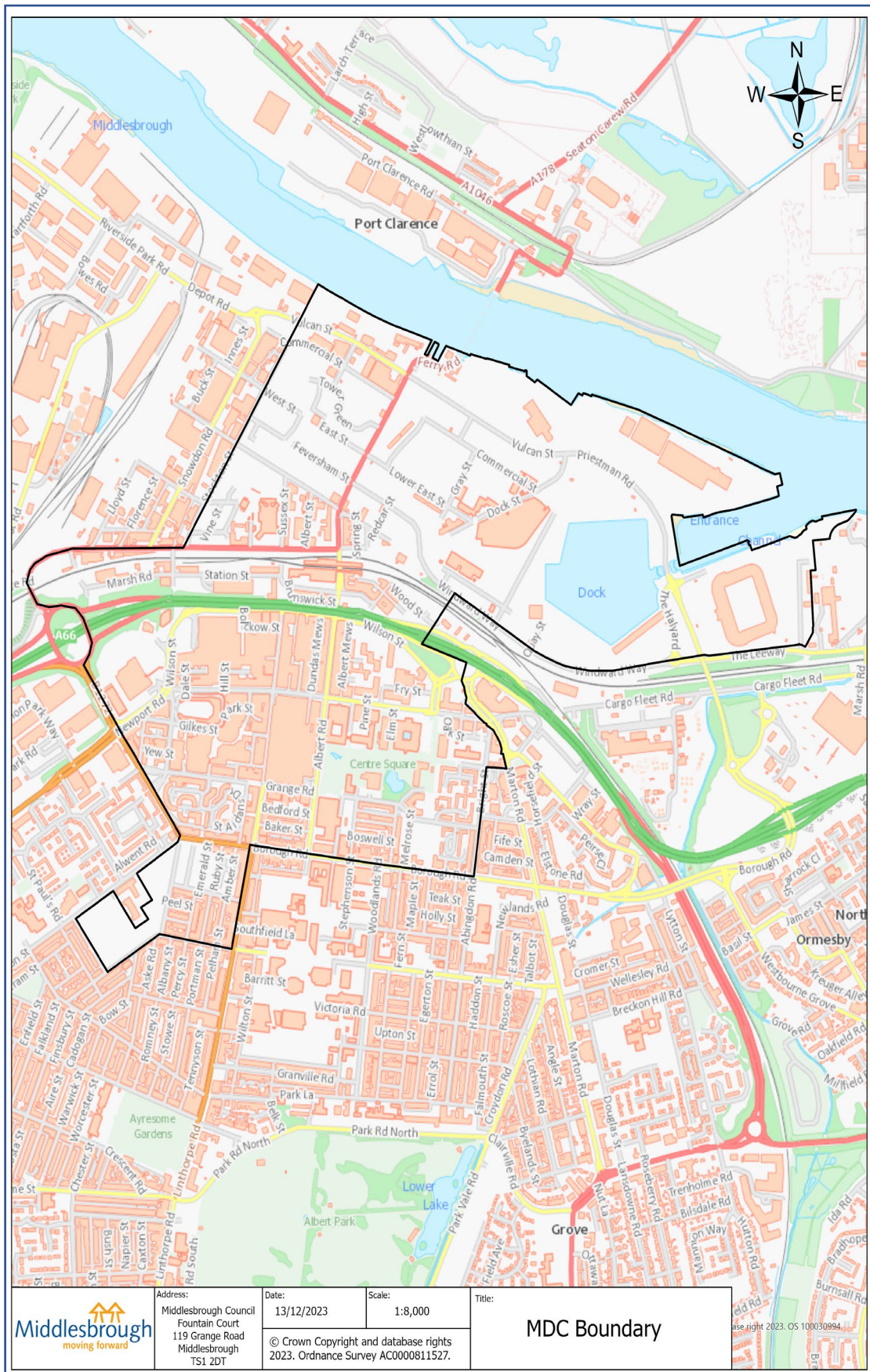


Figure 2 - Middlesbrough Development Corporation Boundary

- 2.13 Middlesbrough Council remains the Plan making authority for the MDC area, and the Local Plan seeks to set out an appropriate and positive planning framework for the area, taking into account the aims and objectives of the MDC. The MDC have prepared a masterplan and draft Design Code for the area to guide development, and the key developments are identified within Policy ST2.
- 2.14 Middlesbrough Council has sought ongoing dialogue with the MDC when preparing this Draft Local Plan, and will continue to do so throughout the preparation of the Plan. The Council will aim to set out more detailed policies on these key developments, and other sites in which the MDC has an interest, as more information becomes available as the Local Plan progresses.

Policy ST2 Middlesbrough Development Corporation Area

The Middlesbrough Development Corporation (MDC) Masterplan *Supercharging development in Middlesbrough* aims to achieve the following objectives:

- 1,500 new homes
- 4,000 new jobs

Within the MDC area, the Council will seek to ensure there is sufficient land available for development in order to support the delivery of these objectives.

Housing

The following sites are identified for housing development:

- Middlehaven (500 dwellings)
- Gresham/Union Village (211)
- Station Street (140)
- Church House (86)

Additional housing will be brought forward throughout the plan period on unallocated windfall sites to deliver the remaining balance of dwellings (563).

Jobs

The following areas are identified for employment and commercial development:

- Town Centre
- Middlehaven

Development will be expected meet the requirements of the MDC Design Code.

3. Creating Quality Places

Strategic Objective

Objective A To deliver new high quality, well-designed and energy efficient development that meets the needs and aspirations of our current and future residents

Objective H To achieve healthy and safe communities

Introduction

- 3.1 As new buildings are built, we need to ensure Middlesbrough maintains the right mix of housing, business, retail and open space to meet the needs of residents and businesses. The impacts of development on infrastructure and the environment need to be managed, and it is important to make sure new buildings respect the areas in which they are located. Development management seeks to achieve positive sustainable development whilst resisting inappropriate or harmful development and development which does not take the opportunity to improve the area. It is not acceptable to repeat poor or mediocre development from the past, even where it is part of the character of a particular area.

Creating quality places

- 3.2 The design quality of new development in Middlesbrough has varied significantly. We are committed to ensuring that in future it will be of a high standard in terms of architecture, urban design, sustainability and innovation. This ensures that new development enhances and complements existing high quality areas and raises the design standards and quality of areas in need of regeneration. New development should provide local people with civic pride, make them feel safe and secure, help improve the overall image of the borough and reflect local distinctiveness.
- 3.3 Development needs to be carefully planned to ensure important features and characteristics are protected and enhanced. The layout and design of new developments must be based on a thorough understanding of a site and its wider context. This requires careful consideration of site layout, including how the development integrates into its setting in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational treatment, materials, streetscape and rooflines. The layout, form and mix of development must as a fundamental requirement, take all reasonable opportunities to provide, support and promote active travel walking, cycling and public transport provision. Where possible, development should be designed to remove all conscious and subconscious barriers to people engaging with sustainable travel for all journeys.

Policy CR1 Creating Quality Places

All development proposals will be required to achieve well designed buildings and places having regard to:

- a. contributing positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities;
- b. maximising the opportunities to create sustainable mixed use developments;
- c. being of a scale, massing, layout, appearance and setting which respects and enhances local areas;
- d. creating buildings and spaces that are adaptable to positively changing social, technological, economic and environmental conditions; and
- e. adapting to and minimising the likely impacts of climate change, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation.

Large-scale developments should be supported by detailed masterplans or development frameworks and, where appropriate design codes, to ensure they are based on clear design philosophies and to allow long term recognition of such for the positive future enhancement through the development of those areas.

General Development Principles

- 3.4 All development should protect and enhance the local character of Middlesbrough. From small scale household extensions to major housing, economic, leisure and retail schemes, all development must be well designed. Good quality layouts, landscaping and detailed building design should seek to create attractive sustainable communities where people want to live and help to create a sense of place.
- 3.5 New development shall not result in unacceptable impacts on those living and working nearby particularly by way of loss of privacy and the effects on amenity including, but not restricted to, outlook, light and noise having an undue overbearing impact. Development should be avoided on sites where it would put human health and safety at an unacceptable risk. Where necessary advice of appropriate regulatory organisations, such as the Environment Agency and the Health and Safety Executive, will be sought.

Policy CR2 General Development Principles

When assessing the suitability of development, all proposals will be required to:

- a. accord with the policies, allocations and designations in the Local Plan;
- b. not have a significant adverse impact on the privacy and amenity of occupiers of existing or proposed nearby properties, or unduly affect neighbouring land and uses;
- c. avoid the unnecessary loss of protected open spaces and other environmental designations and not result in any significant adverse impacts upon them;
- d. incorporate ecology and biodiversity features into the scheme (wherever appropriate);
- e. achieve a high quality of design appropriate to its context;
- f. incorporate appropriate hard and/or soft landscaping within a scheme;
- g. sustain and enhance heritage assets and their settings;

- h. not put at risk human health and safety;
- i. not result in an increased risk of flooding;
- j. have adequate infrastructure, services and community facilities to serve the development, through either existing, improved or new provision;
- k. not adversely impact on highway safety or lead to unacceptable provision of car parking;
- l. achieve accessibility by a choice of sustainable transport modes;
- m. minimise noise, air, water and/or land pollution;
- n. help minimise waste arising and maximises sustainable waste management, both during and after construction; and
- o. incorporate energy efficiency measures into the fabric of the building.

To support sustainable development, proposals should demonstrate how they maximise economic benefits, contribution to social inclusion, and minimise detrimental environmental effects. Sustainable construction methods will also be encouraged.

The existence of poor quality design as a result of previous development will not be accepted as a reason for lowering design expectations in new proposals.

The re-use of previously developed land, will be encouraged through:

- the selection of sites for development in the Local Plan; and
- the identification of other sites through the Brownfield Register.

High quality design

- 3.6 Good design is about understanding what aspects of a built environment work well and can make the difference between a successful, high quality development and a poor unsuccessful one. New development is likely to define an area, both visually and in terms of how it functions, for a significant period of time and getting both the application and construction phases right means achieving significant positive benefits for residents and others using the town. Good design helps people feel good about, and take pride in, the places in which they live and work. That is why improving the quality of the built environment and public spaces will assist in creating quality places, and support the Council's economic growth aspirations by making Middlesbrough more attractive to future residents, investors and visitors alike.
- 3.7 Development that is design-led, responding to site characteristics and local context, makes the greatest contribution to improving the town's built environment. Applications for major developments will, therefore, be required to be accompanied by a Design and Access Statement to demonstrate how the development proposal incorporates good design principles, including adaptation to climate change, reducing carbon emissions and water consumption, and setting out how waste will be managed. A Design and Access Statement should give significant reflection on sustainable movement of people into and out of the development for the range of journey types and how the development will change the long-term circumstances of the site and surroundings to the future occupiers and users, and those in the surrounding environment.

- 3.8 A Heritage Impact Assessment will also be required to support applications for Heritage Assets including Listed Buildings, Conservation Areas and Local List buildings and sites.

Policy CR3 Sustainable and High Quality Design

All development proposals should demonstrate that they are of high quality design in terms of layout, form, materials, and the contribution to the character and appearance of the area within which they are located. In determining planning applications, consideration will be given to how well the proposal:

- a. integrates with its surroundings in terms of respecting its design, scale, form, density, massing, existing buildings (particularly historic buildings) and land uses around the site;
- b. reinforces existing pedestrian, cycle and vehicular connections and creates new well placed ones where considered beneficial for local movement both within, and around, the site;
- c. works with the site in terms of responding to existing features (e.g. topography, views, existing buildings/landscape and site orientation) and local character of the area, or otherwise creates its own distinctive character, and contributes to the vibrancy and vitality of active street frontages;
- d. minimises impacts on, and provides net gains for, biodiversity;
- e. positively enhances the skyline, views and topography of the site and the surrounding area, particularly in relation to proposals for tall buildings (also see Policy CR6);
- f. provides high standards of accommodation for housing in terms of size, quality and arrangement of internal space (see Policy HO7), adequate internal and external private space as well as internal and external communal amenity space and access to / connections with usable open space relevant to the development type;
- g. positions buildings to enhance streets and public spaces and, where applicable, creates a street layout and design within the site that make it easy to find your way around and encourages low vehicle speeds;
- h. provides sufficient resident, visitor and delivery vehicle parking that is well integrated to ensure that it does not dominate the street scene whilst providing good levels of natural surveillance;
- i. provides well designed public and private spaces, with the incorporation of appropriate high quality hard and soft landscaping and tree planting, which are clearly defined, attractive, well managed and integrated into the wider area;
- j. provides adequate and accessible external storage space for bins and recycling as well as vehicles and cycles;
- k. creates a safe and attractive environment at all times of the day and night, where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion by incorporating the aims and objectives of the 'Secured by Design' concept into development layouts;
- l. maximises the opportunities for buildings and spaces to gain benefit from sunlight and passive solar energy; and
- m. incorporates sustainable design features and durable construction, observing best practice in energy efficiency and climate change mitigation, and incorporates the highest standards of accessible and inclusive design that is adaptable to different

activities and land uses and the changing needs of all, including disabled and older people.

Applications for major developments and/or those relating to Conservation Areas and Listed Buildings will be required to submit a Design and Access Statement to demonstrate how good design has been taken into account in drawing up the development proposal.

A Heritage Impact Assessment will be required for development affecting heritage assets, in accordance with Policy HI2.

Developer Contributions

- 3.9 Development can place additional demands on infrastructure which may require mitigating. In some instances it will be necessary to seek contributions from developments to provide new facilities or infrastructure or enhance existing infrastructure. The NPPF states that *local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition*. Planning obligations are legal agreements made under section 106 of the Town and Country Planning Act 1990 (as amended), which can be used to secure infrastructure required as a direct result of development. Planning obligations should only be sought where they meet the relevant legal tests, currently set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), and the policy tests set out in the NPPF.
- 3.10 When deemed necessary, contributions will be sought to fund infrastructure and other matters required to make the development acceptable. Policy CR4 sets out the typical contributions that may be sought, although the list set out in the policy is not exhaustive.
- 3.11 The Infrastructure Delivery Plan will be updated, in partnership with infrastructure providers and other delivery agencies, to ensure an up-to-date evidence base regarding infrastructure requirements and costs is maintained.

Policy CR4 Developer Contributions

Developer contributions will be secured in order to fund necessary infrastructure and other community benefits required as a consequence of development.

Developer contributions will normally be secured through planning obligations. In the event that a Community Infrastructure Levy (CIL) is adopted, certain developer contributions will be payable through that mechanism.

The level of developer contribution will be commensurate with the scale, nature and impact of the proposal. Guidance on planning obligations in relation to affordable housing is set out in Policy HO5.

Examples of matters for which contributions relevant to the nature and scale of the development will be sought includes:

- a. affordable housing;
- b. community buildings, facilities and services;
- c. open space, play, sport and recreation;

- d. drainage and flood prevention measures;
- e. education facilities;
- f. highway and rail improvements;
- g. public transport provision or improvements including bus and rail passenger facilities;
- h. pedestrian and cycling facilities;
- i. travel plans;
- j. improvements to landscape (and its management), water environments, biodiversity (including habitat creation and management);
- k. improvement to heritage assets (including repair or restoration of historic buildings and structures);
- l. sustainable design and construction;
- m. local employment and training; and
- n. public realm and artwork.

Development limits

- 3.12 It is necessary to define development limits to focus development within the urban area. The purpose of limits is to contain future development and to make a clear distinction between the urban area and countryside. This approach assists with achieving sustainable development. The limits have been established through retaining existing boundaries and making an allowance for new site allocations. Development outside of these limits will be restricted to those exceptional circumstances or uses which require a countryside location set out in the development limits policy approach.
- 3.13 In some circumstances previously developed (brownfield) land may become available for development outside of the development limits. The redevelopment of such land may be acceptable provided the site is not of high environmental quality and the proposal complies with other policies in the Local Plan.
- 3.14 The re-use or conversion of buildings can also provide sustainable development opportunities outside of the urban area. The visual impact of development will be minimised by limiting extensions and alterations and ensuring the design and materials are in keeping with the existing building.

Policy CR5 Development Limits

Within development limits identified on the Policies Map, development will generally be acceptable where it accords with the policies in this Local Plan.

Development beyond development limits defined on the Policies Map will be restricted to:

- a. an appropriate diversification or expansion of an existing agricultural activity;
- b. a recreation or tourism proposal requiring a specific location;
- c. facilities essential for social and community needs;
- d. housing essential to support agriculture;
- e. isolated single dwellings that are of exceptional quality and incorporate innovative design features, reflecting the highest standards in architecture and sustainability;
- f. a suitably scaled and designed extension to an existing building;
- g. the conversion or reuse of a suitable existing building;

- h. development required to ensure the conservation and, where appropriate, enhancement of assets of historical significance;
- i. other development requiring a specific location due to technical or operational reasons; and
- j. redevelopment of previously developed land, provided that the site is not of high environmental value and the proposal complies with other policies in the Local Plan.

Tall and large buildings

- 3.15 Tall and large buildings are those that are substantially larger than their surroundings, and cause a significant change to the skyline. These types of building have a symbolic role in marking the centre out as a significant hub of activity, and a practical role in accommodating the level of development that this status entails in a highly accessible location.
- 3.16 In particular, it is vital that, given their prominence on the skyline, new tall buildings are of the highest quality design and architectural standards. Tall buildings of mediocre architectural quality will not be acceptable. They need to make a positive contribution to the character of the town and to views into the centre. They will be visible from a wide area and it is, therefore, essential that they are of the highest design quality.
- 3.17 Development which results in unacceptable canyon-like environments, or large blocks in uncomfortably close proximity, will not be supported on design and amenity grounds. The impact of tall buildings proposed close or nearby to sensitive locations will be given particular consideration. Such locations might include conservation areas, listed buildings and their settings, or a historic park and garden.
- 3.18 All proposals for tall or large buildings will be required to be accompanied by a detailed urban design assessment including accurate information on the townscape impact of the proposal on its immediate locality, on local and strategic views, and on any affected heritage assets.

Policy CR6 Tall and Large Buildings

In assessing the suitability of the design and location of tall and large buildings, proposals will be required to be of the highest quality design and architectural standards. Proposals for tall and large buildings must be accompanied by a detailed urban design assessment, and should:

- a. be located in areas whose character would not be adversely affected by the development of a tall building;
- b. enhance Middlesbrough's skyline through a distinctive profile and careful design of the upper and middle sections of the building;
- c. contribute to a human scale street environment, through paying careful attention to the lower section or base of the building, providing rich architectural detailing and reflecting their surroundings through the definition of any upper storey setback and reinforcing the articulation of the streetscape;
- d. make a positive contribution to high-quality views from distance, views from middle-distance and local views;
- e. take account of the context within which they sit, including the existing urban grain, streetscape and built form and local architectural style and providing active frontages;

- f. avoid bulky, over-dominant massing;
- g. sustain and enhance the setting of heritage assets;
- h. be of the highest architectural standards, using high quality materials and finishes;
- i. create safe, pleasant and attractive spaces around them, and avoid detrimental impacts on the existing public realm;
- j. consider innovative ways of providing green infrastructure, such as green walls, green roofs and roof gardens;
- k. provide a transport assessment, along with adequate off-street parking measures in accordance with the Council's approved car parking and vehicular servicing standards;
- l. maximise the levels of energy efficiency in order to offset the generally energy intensive nature of such buildings;
- m. not unduly affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference;
- n. ensure adequate levels of daylight and sunlight are able to reach buildings and spaces within the development, and nearby buildings;
- o. avoid significant negative impacts on future occupiers, existing properties and the public realm in terms of outlook, privacy, daylight, sunlight, noise, light glare and night-time lighting; and
- p. ensure that public access and appropriate maintenance and servicing arrangements within the building are incorporated in the design stage and do not undermine the positive design and functioning of the building and its surroundings.

Shopfront Design

- 3.19 Good quality shopfronts are part of what makes successful town centres lively and interesting places that people want to visit. It is therefore important that proposals for this type of development positively enhance the appearance of the building, as well as the immediate area, and do not detract from it.
- 3.20 The design of shopfronts should respect the architectural style of the host building and the local character of the area. Good innovative designs which would make a positive contribution to the vitality of a centre will be supported, but they should not detract from the quality of the host building or adjacent premises.
- 3.21 Shopfronts with external solid security shutters can have a detrimental environmental effect on the street scene, particularly bare galvanised or mill finished aluminium ones. They can contribute to an unwelcoming and hostile environment at night and often attract graffiti, making areas feel desolate and forbidding once trading hours have ceased. Ideally, laminated glass provides security without affecting the appearance of the building. Decorative grills and internal lattice grills can also be attractive whilst providing security.
- 3.22 Shopfronts in Conservation Areas or affecting Listed Buildings will be expected to retain and enhance the character of the building, its special historic or architectural elements, and the appearance of the surrounding area.
- 3.23 In relation to projecting shopfront signage, (see also Policy CR8) these should be high quality and relate to the size and scale of the façade.

Policy CR7 Shopfront Design

Planning applications for new or altered shopfronts will only be allowed if they satisfy the following criteria:

- a. the design is of high quality, consistent with the scale of the existing building;
- b. the shop fascia is designed to be in scale, in its depth and width, with the façade of the host property and the positive aspects of the street scene of which it forms a part and should not dominate the property's frontage;
- c. the type, colour and texture of all new materials should match, or complement those of the host building and should be durable and capable of withstanding the outside elements;
- d. proposals should respect the character of the locality and any features of scenic, historic, architectural, cultural or other special interest;
- e. the provision of active frontage elements, such as windows, is maximised whilst preventing excessive blank sections of fascia or walls;
- f. projecting signs should meet the requirements of Policy CR8; and
- g. solid shutters, which present a blank frontage to streets, will not be permitted. Internal lattice security grills will normally be acceptable.

Proposals for the alteration of existing shopfronts or installation of new shopfronts and projecting signage on a Listed Building or within a Conservation Area should sustain and enhance the character and appearance of the building, the area in which it is located and any features of architectural or historical interest. Internally illuminated box signs and neon strip lighting for example, will not be acceptable on Listed Buildings.

Existing traditional shopfronts shall be retained and restored unless exceptional circumstances apply.

Advertisements and signage

- 3.24 Middlesbrough can be characterised as having a busy town centre, with smaller district, local and neighbourhood employment and retail centres. These different types of centre, and their activities, require advertisements and signs to convey their purpose to visitors and passers-by. It is important that the needs of advertisers are taken into consideration while also protecting visual and aural amenity, and ensuring safety to pedestrians and motorists.
- 3.25 In the Town Centre, where there are many advertisements side by side, it is important that the advertisements do not create visual clutter, which can be particularly relevant to projecting signs. It is also important to maintain the pattern of the street. Therefore, if a shop or business occupies more than one shop front, the fascia and advertisements must not extend unbroken across the multiple shop fronts. In all cases, the cumulative effect of advertisements must be considered, particularly in areas of dense commercial activity. Adverts overly competing with one another will often lead to clutter and visual distraction rather than creating a high quality visual environment and should be resisted.
- 3.26 Bulky box fascia and projecting signs, often crudely attached onto existing fascias, create a poor visual impression and will not generally be acceptable. Whole fascia internal illumination should be avoided. Care should be taken to ensure that illumination is in keeping with the character of the area, particularly where it would affect heritage assets, for

instance face or halo illumination of individual letters may be appropriate and discreet slim-line LED downlighters may be acceptable. Advertisements above ground floor level are particularly prominent and care should be taken to avoid detrimental effects on visual amenity. Such signage will often need to be of a bespoke design that relates to the proportions and layout of the building's frontage rather than taking a standard approach, and will need to take into account any uses at first floor level.

- 3.27 In relation to projecting signs and other similar forms of advertisement, these should be high quality and relate to the size and scale of the façade. Too many different kinds of projecting and hanging signs can look cluttered and can be a danger to public safety if they hang too low. It is therefore necessary to consider the effect of an advertisement sign upon the safe use of vehicles and operation of traffic flow, including pedestrians. Likewise, freestanding advert panels in urban streets, for instance, can also have a significant detrimental effect on views of the streetscene and pedestrian safety.
- 3.28 Large billboard style advertising needs very careful consideration as their scale can have a notable impact on the character of an area and can result in distraction to road users, particularly where they incorporate LED screens with changing or moving images. These are often aimed at attracting wider attention and need to be located and designed to not have undue impacts on the safety of road users including motorists, cyclists and pedestrians.

Policy CR8 Advertisements and Signage

All advertisements and signage will be expected to respect the building or structure on which they are located, and their surroundings and setting in terms of size, location, design, materials, colour, noise, lettering, amount and type of text, illumination and luminance, and not have a detrimental effect on public safety.

The cumulative impact of adverts will be taken into account, and a proliferation of advertisements that detrimentally affects visual or aural amenity or public safety will not be acceptable. All adverts shall comply with the following criteria:

- a. advertisements or signage should not obstruct windows, any other sign already located on the building, or cut across significant architectural features such as historic fascias, windows, pilasters, cornices or scrolls;
- b. where a shop or business occupies more than one adjacent unit, the advertisement or signage will not run between the shopfronts;
- c. projecting signs should not project more than 0.8m from the face of the building, and should be at least 2.4m above ground level to prevent danger to pedestrians;
- d. the fascia sign height shall be dictated by any prevailing original pilaster detailing or not noticeably exceed 20% of the height of the ground floor accommodation;
- e. advertisements will not reduce visibility, or add notable distraction, for users of the highway or accesses onto the highway, or compromise highway safety;
- f. be illuminated (if required) in a discreet and subdued manner, without overly dominant fittings, clutter or cables. Lighting should be limited to the advertisement element (logos and words) and not the full width of the fascia. Illumination should not detract from the amenity of the area or pose a safety hazard to users of the highway; and
- g. advertisements should not obscure the sight lines of cameras installed for public safety.

Proposals for the display of advertisements on a Listed Building or within a Conservation Area should sustain and enhance the character and appearance of the building, the area in which it is located and any features of architectural or historical interest.

4. Economic Growth

Strategic Objective

- Objective B** To revitalise Middlesbrough Town Centre through diversifying our retail and leisure offer, and attracting new urban dwellers, supported by a strong network of district and local centres
- Objective C** To strengthen our local economy by supporting existing businesses and attracting new employers

Introduction

- 4.1 Considerable market intelligence, due-diligence, and economic mapping has established the economic baseline for Middlesbrough. This process has allowed Middlesbrough Council to secure an acute understanding of the economic performance of the area and the constraints which restrict the fulfilment of our full economic potential. Middlesbrough understands the market failure conditions which prevail in the local and national economy. This understanding has informed the development of a targeted package of interventions which will address these shortcomings and, crucially, increase the propensity for the market to operate effectively. The evidence shows the following:
- Development of vacant and low value sites for residential purposes is critical to successful placemaking. New housing strengthens community ownership of town centres, creates vibrancy throughout the day and generates footfall to sustain retail, leisure and other uses. Housing diversifies the High Street and helps rationalise the amount of retail to more sustainable levels. Upper floors can be converted to bring back into use difficult to let, poorly accessible retail spaces.
 - The retail economy is out of equilibrium with the commercial economy – there is a need to rebalance and have more commercial employment in the area to sustain the retail offer.
 - The scale, availability, efficiency and quality of commercial accommodation is a key constraint to the attraction of major employers to the area.
 - There is an under-representation of leisure and food & beverage providers and addressing this will be key to creating a destination and sense of place.
 - There is market failure in the commercial property markets and the flow of institutional capital.
 - It is critical to link residents with the high-value employment opportunities created.
 - Efforts can be focused on key growth sectors with high Gross Value Added (GVA) outputs.
 - Connectivity and strategic transport links are critical to future success.
 - The skills pipeline (attraction and retention) is key to economic sustainability.
 - Major partners such as Teesside University, other educational institutions, Tees Valley Combined Authority (TVCA) and advocates within sector-specialisms are key to ensure alignment of effort and joined-up approach to economic reform.
 - Diversity of economic offer will broaden Middlesbrough's offer and appeal.

- The sense of Place and a comprehensive offer in terms of the entire Live, Work, Play offering are key factors in securing major inward investment and providing a compelling reason to invest and locate in the area.

Tees Valley Strategic Economic Plan

- 4.2 The Tees Valley Strategic Economic Plan (TVSEP) is the industrial strategy for Tees Valley up to 2026 and is prepared by the Tees Valley Combined Authority. It sets out the growth ambitions and priorities for Tees Valley and identifies seven priority sectors for growth:
- Advanced Manufacturing
 - Process chemicals and energy
 - Logistics
 - Health and biologics
 - Digital and creative
 - Culture and leisure
 - Business and professional services
- 4.3 Middlesbrough will have a key role in the successful delivery of the ambitions of the TVSEP. In particular, Middlesbrough will have a critical role to play in the delivery of advanced manufacturing, digital and creative, culture and leisure and business and professional services.
- 4.4 The Council plays a critical role in facilitating and supporting the delivery of economic growth, through developing investment models and working with the Tees Valley Combined Authority to stimulate investment. The town has highly competitive land prices compared with other cities providing an opportunity to establish Middlesbrough as a regional powerhouse. With the full backing of the Council, major private sector-led investments are already bringing about a change in the area's ambition and aspiration. Over the last few years a transformational regeneration programme, characterised by contemporary architecture, pioneering entrepreneurial spirit and forward thinking investment, has been enabled.
- 4.5 For Middlesbrough to perform as a successful centre at the heart of Tees Valley it needs to achieve strong growth in key sectors:
- High density commercial accommodation
 - Digital media
 - Advanced manufacturing
 - Education and health
 - Retailing and leisure.
- 4.6 The focus will be on attracting inward investment that supports economic growth in the Tees Valley, growing indigenous businesses, and creating skilled jobs that will lead to an increase in average wages, and a decrease in unemployment levels. This growth will be accompanied by the development of a supportive educational offer that facilitates the creation of a skilled workforce.

Middlesbrough Town Investment Plan

- 4.7 The Middlesbrough Town Investment Plan (TIP) captures the wants and needs of the local population, addressing those issues which the business and resident communities have identified as being important to them. Middlesbrough's capacity to grow and prosper depends on its ability to continue to attract the new businesses, entrepreneurs and investment that will drive job creation and long-term prosperity. The TIP plays a critical role in facilitating and financially-enabling private investment, encouraging partnership working, drawing on a range of complementary national investment programmes and working with the Tees Valley Combined Authority to stimulate commercial investment.
- 4.8 In transforming the local economy and creating new opportunities, the true measure of success is reflected by the extent to which the resident population can be matched to those new jobs, new skills and new businesses, ensuring that the maximum investment benefit is retained locally. This is a key tenet of Middlesbrough's approach and will be the foundation of successful delivery.
- 4.9 The COVID-19 pandemic has undoubtedly added a layer of complexity to the challenges faced by the area, but it has also brought into sharp focus the urgent need to adapt and transform the local economy. This prospect makes the case for intervention more powerful and urgent. The Town Investment Plan provides the strategic framework against which the area can tackle the economic and societal challenges which have been amplified and exacerbated by the COVID-19 pandemic.
- 4.10 Middlesbrough's TIP is based on five key pillars of regeneration. They are:
- Transport and Connectivity
 - Urban Communities and Placemaking
 - The Middlesbrough Experience
 - Building a Knowledge Economy
 - Enterprise Infrastructure
- 4.11 These five themes underpin all of the economic ambitions and reflect what is important to the people of Middlesbrough. Coherently designed as a package of interventions Middlesbrough's TIP aims to rebuild the economic and social fortunes, from the ground up.

Economic Strategy

- 4.12 The continued sustainable growth of Middlesbrough's economy, and generating jobs for existing and future residents, is a priority for the Council. The ambition is to create at least 350 new jobs per year in Middlesbrough during the Plan period. This is based on growth associated with the Town Investment Plan and the Tees Valley Strategic Economic Plan.
- 4.13 Middlesbrough has made the first steps in re-establishing a strong commercial economy. The development of Centre Square, Albert Road and the Boho Zone have combined novel approaches to build a mix of new, high density commercial accommodation, sensitive heritage renovations and adapt vacant, dilapidated buildings in central Middlesbrough. This has been supplemented by the development of the Tees Advanced Manufacturing Park (TeesAMP) close to the Town Centre, providing 200,000sqft of high quality floorspace.

- 4.14 COVID-19 has not dampened the appetite for office space to the degree which might have been anticipated. Indeed, leases have been progressed and some businesses / sectors are seeing an uplift in trading conditions. The skilled and well-paid jobs that these facilities accommodate and the ancillary impacts that this economically active footfall has on town centre services and the retail economy is of significant value to Middlesbrough. The commercial areas will be seamlessly integrated with the retail and hospitality areas, to maximise the benefits of colocation.
- 4.15 Middlesbrough will deliver commercial space to enable additional employment. This space will be integrated within the new town centre economy and include modern features which promote wellbeing and health. The accommodation will be serviced by the best technologies and broadband connectivity, with a range of transport options to connect people to places.

Policy EC1 Economic Strategy

Middlesbrough will play an important role in the future economic growth of the Tees Valley. Middlesbrough will transform its economy to deliver new urban communities, new employment accommodation and broader leisure mix.

Middlesbrough will continue to develop a diverse economy to deliver significant increases in businesses and jobs and support the delivery of the Tees Valley Strategic Economic Plan (TVSEP) and the Town Investment Plan (TIP). This will be achieved through:

- a. ensuring a range of sites are available to deliver Middlesbrough's economic aspirations and to create 350 additional jobs per annum;
- b. rebalancing the Town Centre economy and bringing new educational and employment opportunities, converting at least 25% of retail floorspace into alternative uses and supporting relocation of community uses to the Town Centre.
- c. investment in the Boho Zone to create a new Digital City;
- d. building a knowledge economy, improving skills and access to jobs for local communities;
- e. supporting and promoting growth sectors including:
 - i. the creative media and digital sector;
 - ii. the advanced manufacturing sector; and
 - iii. the growth of the professional, health and education sectors;
- f. prioritising the development of high density commercial accommodation within and around Middlesbrough Town Centre;
- g. creating a leisure destination proportionate to our population;
- h. supporting a network of centres to meet the needs of local communities and their daily retail, leisure and employment needs; and
- i. focusing on improved transport and connectivity to support economic growth including enhancement of Middlesbrough Rail Station, increasing active travel and modal shift, enhancing public transport provision and implementing 5G or (successor) infrastructure.

Employment Locations

- 4.16 To achieve sustainable economic growth there is a requirement to identify land required to support development. There is a need to ensure a continuous supply of employment land within Middlesbrough to provide a choice of sites in terms of location, size and quality. The Middlesbrough Employment Land Review (ELR) 2021, in assessing the future need for employment land has considered five alternative scenarios. These scenarios include approaches that have been developed to test the employment land needs which flow from the Council's stated economic or housing growth ambitions, some are based upon baseline econometric projections (which align more closely with past rates of employment change) and others assess the implications of past rates of development continuing over the Plan period. At a basic level, the scenarios identify a need for between -3.28ha and +45.92ha (gross) of employment land.
- 4.17 The ELR assessed a range of sites across Middlesbrough and identified a supply of sites which are considered suitable for employment uses (use classes E1 (g), B2 and B8). The majority of this land is located within the existing employment areas of Riverside Park, Cannon Park and East Middlesbrough. The ELR process has identified a supply of 69.34ha of employment land. This exceeds anticipated need for employment land over the Plan period (under all of the scenarios considered). As such, there is a need to rationalise the employment land supply. It is considered appropriate to safeguard slightly more land than the requirement identified in the ELR to allow choice and flexibility.
- 4.18 The existing business parks and industrial estates in Middlesbrough are important in sustaining the economy and providing local jobs. It is, therefore, important that these employment locations are safeguarded to meet identified needs and allow the Middlesbrough economy to grow and diversify.

Tees Advanced Manufacturing Park (TeesAMP)

- 4.19 TeesAMP is located within Riverside Park, and is the borough's key site for advanced manufacturing development. The site is bordered to the west, east and north by the River Tees and to the south by the A66 and Darlington to Saltburn railway line. Historically, the site formed part of the large Ironmasters district, which housed a series of iron and steel making plants from the 1840s through to the 1970s.
- 4.20 TeesAMP offers a prime location for clusters of businesses dedicated to advanced manufacturing. The development of the TeesAMP scheme represented over £55 million of investment in Middlesbrough and created an advanced manufacturing park capable of competing at a national level. It is anticipated that TeesAMP will attract high level firms from a variety of industrial sectors, creating hundreds of new employment opportunities and will make a significant contribution to the local and regional economy.

Riverside Park

- 4.21 Riverside Park is a successful, established, and high quality industrial area home to a range of businesses. The area comprises a large number of B2 and B8 units as well as a number of smaller, courtyard-style industrial and office parks. Riverside Park benefits from good links to the strategic road network including the A66/A19. The aspiration of the Local Plan is to support the continued success of this area. Recent improvements have been made to the access to this area from the A66.

East Middlesbrough Industrial Estate

- 4.22 East Middlesbrough Industrial Estate is the second largest industrial estate within Middlesbrough (after Riverside Park) and provides an important source of employment for east Middlesbrough and the surrounding area. It is mainly in private ownership accommodating a range of industrial uses.

Cannon Park

- 4.23 Cannon Park has excellent access to the A66 and A19, it is adjacent to the emerging TeesAMP development site and offers a significant expansion opportunity. Similarly, the development of the Cannon Park area has the potential to create enhanced links with the greater Riverside Park area to the north, and the Town Centre to the east.

Middlehaven

- 4.24 Middlehaven is located close to the Town Centre, and the Council is seeking to continue its transformation as a major mixed use development of national significance. The NPPF requires Plans to make provision for clusters or networks of knowledge and data-driven, creative or high technology industries. The Boho Zone within Middlehaven should continue to be the focus for the creative and digital economy in the Tees Valley.

Small Industrial Estates

- 4.25 The smaller industrial areas that continue to contribute to Middlesbrough's economy and local job provision will continue to be safeguarded and developed where appropriate.

Other requirements

- 4.26 During the life span of the Local Plan, it is possible that proposals for employment use will come forward that might not be able to be accommodated within the existing employment allocations. Policy EC2 ensures that whilst priority should be given to allocated employment sites, the Local Plan can be flexible enough to support proposals for sustainable economic development that supports the growth of Middlesbrough.
- 4.27 The River Tees and its estuary contain a wildlife site of European importance, protected by the Habitats Regulations. The site is known as the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. Where appropriate, proposals will need to demonstrate that there will be no adverse effects on the integrity of internationally designated sites, alone or in combination with other plans or projects. This Policy should be read in conjunction with Policy GR5.

Policy EC2 Employment Locations

To achieve sustainable economic growth, land and buildings within the Town Centre and existing industrial areas and business parks as shown on the Policies Map will continue to be safeguarded and developed for employment uses.

Proposals for general employment uses in use classes E1(g), B2 and B8 will be supported on the following sites:

Ref	Site
EC2.1	Riverside Park (Including TeesAMP)
EC2.2	East Middlesbrough Industrial Estate
EC2.3	Lawson Industrial Estate
EC2.4	Cannon Park
EC2.5	Cargo Fleet
EC2.6	Letitia Industrial Estate
EC2.7	Newport South Business Park
EC2.8	Whitestone Business Park
EC2.9	Warelands Way
<p>The major mixed use site at Middlehaven allocated by Policy EC4 will contribute towards meeting employment needs over the plan period. Middlehaven, and in particular the Boho Zone, should continue to be the focus for the digital economy.</p> <p>Proposals will be encouraged to be of a high standard of design, and to improve the quality of the environment, signage, security and accessibility of sites.</p> <p>Some of the identified employment sites lie adjacent to or are within close proximity to nature conservation sites. Where appropriate proposals will need to demonstrate that there will be no adverse effects on the integrity of internationally designated sites, either alone or in combination with other plans and projects. Proposals will need to comply with Policy GR5.</p> <p>Employment proposals on non-allocated sites</p> <p>Proposals for new employment uses outside of allocated employment land or involving buildings already in E1 (g), B2 and B8 uses will be permitted where it can be demonstrated that they:</p> <ol style="list-style-type: none"> cannot be accommodated on land allocated for employment uses; would make a significant contribution to job creation and economic growth; would not result in a shortage of land allocated or designated for other purposes; are within the limits to development identified on the Policies Map; can be provided with appropriate vehicular access and supports access to sustainable transport; and will not result in adverse impacts upon the character and appearance of the surrounding area or residential amenity. 	

Alternative uses of employment land and buildings

- 4.28 Policy EC2 seeks to ensure flexibility in the use and redevelopment of employment land which is no longer required to meet employment needs and will not have a detrimental impact on the economic growth of Middlesbrough. Where it is considered that a site no longer has a reasonable prospect of coming forward for employment use, justification will be

required to demonstrate that the site is no longer suitable and viable, including evidence of appropriate marketing and future market demand.

- 4.29 In particular, Middlesbrough has a legacy of high rise office buildings that are no longer fit for purpose within the Town Centre including Gurney House, Church House and Centre North East. Proactive steps will be taken working with building owners and developers to support the reoccupation or reuse of these buildings for either office or other town centre uses.

Policy EC3 Alternative Use of Employment Land and Buildings

Proposals for alternative uses on the sites listed in Policy EC2 or other buildings and sites in Use Class E1(g), B2 and B8 including vacant Town Centre offices will be acceptable where it can be demonstrated:

- a. the site is not appropriate or viable for employment/industrial use following an active marketing process;
- b. an alternative use or mix of uses offers greater potential benefits to the community in meeting local business requirements;
- c. its release for an alternative use should not undermine the economic strategy and adversely impact the supply of employment land in the future;
- d. it integrates well with the surrounding area;
- e. it will be adequately served by existing infrastructure, or necessary improvements to infrastructure will be made;
- f. it contributes to the delivery of urban communities and achievement of placemaking;
- g. it would result in a good standard of amenity for existing and future occupants of land and buildings; and
- h. it would not prejudice the operation of neighbouring properties and businesses.

Middlehaven

- 4.30 Middlehaven is located in the north of the Town Centre adjacent to the River Tees, centred on the dock. The St Hilda's area of Middlesbrough was the core of the original town centre built to serve Port Darlington, from the Middlesbrough branch line of the Stockton and Darlington Railway. As the world's first planned railway town, the area has historic significance, and is home to a number of Listed Buildings including the Transporter Bridge, old Town Hall, Dock Clock Tower and Custom House (now My Place).
- 4.31 Middlehaven encompasses an area of over 130 hectares of land. Over the last 15 years, £200 million has been invested in the area to transform it from an industrial brownfield site to a prime development opportunity. The new development has been typified by high quality contemporary architecture. Middlehaven is already the home of Middlesbrough Football Club, Middlesbrough College, various offices, and the Boho development provides home to the creative and digital sector. The area is also a focus for urban living including CIAC community in a cube. In addition, work has recently been completed on the Boho Village development, with over 60 dwellings completed.

- 4.32 Middlehaven is the home to Middlesbrough's Boho Zone. Boho is the digital, creative and business hub of the Tees Valley. It provides business space for new digital and creative companies to grow, network, and do business. There are eight Boho buildings located across the Boho Zone. The buildings offer a range of contemporary office and work spaces, as well as the innovative flexible live/work space Bohouse. Following the success of Boho One and Boho 5, Boho 8 has been built, providing additional space for expanding companies, along with the recently completed Boho X, a state of the art seven storey building, promoting a regional and focal point for this digital sector.
- 4.33 Middlehaven is also seen as a location for leisure development which has the potential to transform the area. Middlehaven is also seen as a location for education and is currently home to Middlesbrough College. In addition, outline planning permission has been granted for Outwood Riverside, which will be located within Middlehaven close to the existing Middlesbrough College.
- 4.34 Work has also recently been completed on an urban park to transform the public realm and environment within Middlehaven to act as a catalyst for development. The Council has invested in a new Middlehaven Dock Bridge, which was completed in Autumn 2018, and has significantly improved access across the site creating the opportunity to unlock further land for redevelopment.
- 4.35 The Green and Blue Infrastructure Strategy identifies Middlehaven as a significant priority opportunity for Middlesbrough. It identifies the priority opportunity of a Green-Blue Grid for Middlehaven which includes a 'framework' of green and blue infrastructure that guides development of the Middlehaven area. It includes the following key priorities:
- Re-connection with the waterfront
 - Expansion and enhancement of habitats
 - A network of 'green routes' throughout Middlehaven, and linking to both the Town Centre and riverside routes, which enable walking and cycling to be the natural 'mode of choice'
 - Maximising the potential of Middlehaven's heritage assets, as well as iconic destinations such as the Riverside Stadium
- 4.36 Building upon the success of existing developments, and investments, the Council and the Middlesbrough Development Corporation will seek to work with its commercial partners to bring forward large scale development containing a mix of uses including leisure, commercial, employment, residential and education. Particular consideration will be given to achieving development of high quality design that contributes to the transformation of the area. Successful, locally distinctive design will sustain and enhance the historic significance of the area and its Listed Buildings and their settings, including contributing towards enabling appropriate, sustainable uses. In doing this, we will continue to protect and enhance the significance of buildings of cultural and historical importance and their settings, in order to find appropriate future uses for them.

Policy EC4 Middlehaven

Land at Middlehaven is allocated for a mixed-use development comprising education, commercial, leisure and residential uses.

It is expected that the proposals will achieve the following:

- a. high quality, largescale mixed use development anchored around the waterfront, that is complementary to, and links well with, the Town Centre and the redeveloped Railway Station and Historic Quarter;
- b. delivery of a Green-Blue Grid for Middlehaven including reconnecting the waterfront with the wider Middlehaven area;
- c. development of key green routes both along the waterfront and through to the Railway Station and Historic Quarter and the wider Town Centre;
- d. the continued growth of Boho as the Tees Valley centre for the digital economy;
- e. the transformation of Middlehaven as a location for urban living;
- f. the continued growth of Middlehaven as a focus for education and leisure;
- g. provision of appropriate infrastructure to support development, including improving linkages within Middlehaven and the wider area;
- h. enhanced nature habitats within the dock area including the Teesmouth and Cleveland Coast SPA and Ramsar site;
- i. enhanced public areas through the provision of high quality public realm;
- j. sustaining and enhancing the area's historic significance, including reflecting the traditional grid pattern of Middlehaven; and
- k. sustaining and enhancing the significance of the Listed Buildings and their settings, including encouraging appropriate, sustainable uses for them, recognising the positive contribution they can make.

In addition, proposals will need to have regard to their relationship with the surrounding area and other proposed developments ensuring they are well integrated and fit with the wider place making agenda.

An Appropriate Assessment will be required for all development that, either alone, or in combination with other plans or developments, is likely to have a significant effect upon the Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site.

University Campus

- 4.37 Over the last decade, Teesside University has invested more than £350 million in its Campus Heart with a further £600 million scheduled. With more than 22,000 students, the University is a significant economic driver for Middlesbrough and the wider Tees Valley area. Recently completed developments include the Campus Heart, The Curve building, and redevelopment of the Orion and Stephenson Buildings to provide state of the art science and engineering facilities, refurbishment of the business school, construction of a new student life building and Cornell student accommodation.
- 4.38 The University's success has helped drive a revival in the surrounding area as well as Middlesbrough's night-time economy, and plans are in place for further complementary

development that will support growth in the University Campus and for businesses across the Linthorpe Road area.

- 4.39 There are a number of listed buildings within the area of the University Campus. The Council will continue to work positively with the University to manage and protect these heritage assets.
- 4.40 The University continues to play a key role in the ongoing regeneration and economic and cultural vitality of the town, and the Council will continue to support and develop its links with a thriving and prosperous retail centre and continue the integration of the campus with the surrounding area. The University prepared a Campus masterplan in 2017, the purpose of which is to transform the University facilities over the next 10 years.

Policy EC5 University Campus

Land within the University Campus is designated to support the future growth and development of Teesside University. This will be achieved by:

- a. supporting the continued growth of the University including the redevelopment of sites within the Campus;
- b. ensuring that proposals are of a high quality and innovative design, commensurate with that of recent development undertaken on the Campus;
- c. seeking to rationalise parking within the Campus and delivering an acceptable parking solution to meet the needs of the University, and ensure there are no impacts arising on the amenity of the surrounding residential areas;
- d. the continued integration of the Campus with the surrounding area;
- e. improving connectivity with the Town Centre;
- f. enhancing the residential offer for students, both on and off Campus; and
- g. improving the environmental quality of the Campus, including through the refurbishment of existing buildings and enhancements to the public realm.

Culture

- 4.41 Middlesbrough Council is part of the Middlesbrough Cultural Partnership, whose ambition is for Middlesbrough to be the most creative town in the UK. It has set out a Creative Vision for Middlesbrough 2023 – 2033 for culture in Middlesbrough to be accessible, affordable, transformative and central to regeneration.
- 4.42 It aims to deliver the following outcomes by 2033:
- Increase the number and quality of creative businesses, boosting a growing creative industries cluster and supporting innovation and economic growth
 - House more creative businesses in permanent rather than meanwhile spaces forming an integral and central part of the townscape
 - Secure the long-term use (25 years plus) of a range of buildings across Middlesbrough for use as creative hubs including artist studios, workshops, programmable spaces and incubator facilities
 - Develop our existing cultural infrastructure through capital investment into our venues including the Auxiliary, Central Library, MIMA (Middlesbrough Institute of Modern Art) and Platform Arts

- Facilitate opportunities for temporary and pop-up uses of vacant and underused spaces for creativity, recognising the potential for these initiatives to act as catalysts for regeneration
- Establish a thriving public art commissioning programme, informed by a new Public Art Strategy, to animate the town and support place-making
- Grow our events and festivals including delivery of a large-scale programme of events in 2030 to celebrate the bicentenary of Middlesbrough
- Develop shared resources with the voluntary sector including accessible spaces for grassroots creative activities in local communities
- Attract global artists to make and deliver work in Middlesbrough, co-curating work with local people
- Bring national cultural events to Middlesbrough, including the Turner Prize
- Enhance our heritage offer to celebrate the ordinary and extraordinary stories of our people and places through revitalised museum and archive facilities and improved wayfinding and interpretation across the town
- Embed co-curation with our communities into our programming
- Increase investment into the cultural/creative sector including growing the number of Arts Council National Portfolio Organisations (NPOs) and increasing philanthropic giving to arts and culture locally
- Retain more graduates from our unique arts education and training cluster - Teesside University, Northern School of Art and Middlesbrough College - through employment opportunities within Middlesbrough and the wider Tees Valley
- Deliver more commissioning opportunities for artists delivering Creative Health programmes supporting better health and wellbeing for the people of Middlesbrough
- Develop the next generation of leaders within the creative sector
- Support everyday creativity to flourish by connecting and growing grassroots groups

4.43 Cultural and creative activity can be found across the town as set out in paragraphs 4.44 to 4.48 below.

Civic, Commercial and Cultural Heart

4.44 This area is characterised by key cultural anchors, including Middlesbrough Town Hall and MIMA (Middlesbrough Institute of Modern Art). Between them lies Centre Square, the town's principal outdoor events venue. On the periphery of this area is the International Centre, supporting diverse cultures and newly arrived communities to the area through community-led provision.

Railway Station and Historic Quarter

4.45 This area is characterised by its rich heritage and includes Middlesbrough's High Street Heritage Action Zone. It is home to several listed buildings, including Middlesbrough's Railway Station and has significant public realm space in Exchange Square. It is also an area of vibrant creativity as home to artist-led organisations including the Auxiliary Project Space and Platform Arts.

Retail Quarter

4.46 With demand for retail floor space falling, and the aim to diversify the Town Centre offer, there are opportunities for the creative and leisure sectors to support the reimagining of this part of the Town Centre by securing and animating former retail spaces and enhancing the quality of the visitor offer.

Middlehaven

- 4.47 The Middlehaven area is undergoing a transformation. The site of the origins of Middlesbrough, between the railway line and the River Tees, it is characterised by a cluster of digital and creative businesses, which will be complemented by a new residential community with new housing, schools and public realm developments.

Museums and Theatre

- 4.48 Just outside of the Town Centre in Linthorpe, this includes the Grade 2 listed Dorman Museum, Teesside Archives (located within the Dorman), Albert Park and Middlesbrough Theatre. The area also includes areas of historic interest including the former sites of the Linthorpe Pottery and Ayresome Park, as well as Linthorpe Cemetery and the Cenotaph.

Policy EC6 Culture

Proposals that seek to deliver the aims and objectives of the Middlesbrough Cultural Partnership will be supported.

Cultural activity will be focused within the Civic, Commercial and Cultural Heart and in the Railway Station and Historic Quarter in Middlesbrough Town Centre, supported by development and activity across the wider town. The following projects have been identified:

Civic, Commercial and Cultural Heart

- a. to develop a new creative hub for creative and cultural businesses and micro businesses.
- b. to secure Centre Square as the main event hub for the Town Centre, by improving event infrastructure to allow for growth in the number and range of events that can be hosted.
- c. to redevelop, refurbish and fully reopen the International Centre as a community resource for the very diverse, creative, vibrant communities living in this neighbourhood.

Railway Station and Historic Quarter

- d. to deliver artist and community-led public realm improvements in and around the Conservation Area.
- e. to redevelop the Auxiliary Project Space, providing improved studio, gallery and performance facilities for artists.
- f. to make Middlesbrough Railway Station the most creative railway station in the UK through a programme of artist commissions and residencies.
- g. to develop new spaces for creative businesses and promote innovation through forging closer links with digital businesses in the nearby Boho area.
- h. to deliver improvements to this key gateway into Middlesbrough, to create a welcoming sense of place/identify through creative interventions, public art, interpretation and way finding to signpost visitors to points of interest across the Town Centre.

Retail Quarter

- i. to transform vacant and disused retail space into creative hubs including artist studios, making/selling spaces, incubator facilities and programmable event spaces.
- j. to facilitate easier meanwhile use of empty shop spaces for artists and creative organisations.

Middlehaven

- k. to redevelop the Old Town Hall as a space for digital and creative businesses.
- l. to increase cultural and creativity activity in this area including around the Dock and Transporter Bridge.
- m. to celebrate and interpret the rich heritage of this area, including assets such as the Old Town Hall, Transporter Bridge and the Dock Clock Tower.

Museums and Theatre

- n. to improve the visitor experience of the Dorman Museum and make greater connection to Albert Park.
- o. to establish a permanent new home for the Teesside Archives enabling improved public access to the collections. This could be part of a new visitor attraction celebrating the area's rich heritage.
- p. to enhance Middlesbrough Theatre including improved customer facilities, rehearsal space and conference facilities.

Cultural Corridors

We want to ensure that visitors and residents are able to explore and experience the diversity and vibrancy of Middlesbrough's cultural offer. Creating cultural corridors will be achieved through the use of a common visual identity within signage, street furniture, green spaces, public art and wayfinding tools, supported by a physical and digital art map.

Town, District and Local Centres

- 4.49 Town Centres play an important role in local communities, providing accessible shops and services, employment and leisure facilities that can define places.
- 4.50 The contribution that local shopping areas play in meeting the needs of the community is recognised and, in accordance with the NPPF, the Local Plan defines a network and hierarchy of town centres that are vital to the delivery of sustainable and inclusive communities.
- 4.51 Following a review of the network of centres the Town Centre boundary, given its current extensive nature, has been revised in order to develop a more compact centre, with town centre uses focused in core areas, allowing for a strategy that will facilitate qualitative improvements to the existing retail offer in Middlesbrough, whilst supporting improved linkages to the immediate surrounding areas where other uses and/or regeneration are proposed.
- 4.52 Recommendations for District and Local Centres include the re-classification of North Ormesby and Linthorpe Village centres, due to their range of services and nature, to District

level; with some boundary changes and designations made to local centres, where necessary, to promote their long term vitality and viability.

- 4.53 Adopting the 'Town Centre First' policy, main town centre uses, as defined in the NPPF, will be required to be located in town centres first, then in edge of centre locations. A sequential test, as set out in the NPPF, will be required for applications which are neither in an existing centre nor in accordance with an up-to-date local plan.
- 4.54 When assessing applications for retail and leisure development outside of the town centres, the NPPF requires local planning authorities to set their own impact thresholds. These thresholds take into account the scale, nature and catchment of different schemes, which factors which influence their likely impact. The Middlesbrough Town Centres and Retail/Leisure Study (MRLS) recommends a lower threshold than set out in the NPPF (2,500 sqm) would be appropriate for Middlesbrough.
- 4.55 Development proposals above the identified thresholds, which are outside of an existing centre or not in accordance with specific site policies, will be required to be accompanied by an impact assessment that is proportionate and appropriate, assessed in relation to all centres that may be affected.

Policy EC7 Town, District and Local Centres

In supporting a network of vital and viable town, district and local centres that serve the Middlesbrough community the Local Plan will seek to protect and enhance the following hierarchy of centres:

Town Centre	Middlesbrough Town Centre	
District Centres	Berwick Hills	
	Coulby Newham	
	Linthorpe Village	
	North Ormesby	
Local Centres	Acklam Road/Cambridge Road	Parliament Road
	Acklam Road/Mandale Road	Penrith Road
	Belle Vue, Marton Road	Roman Road
	Beresford Buildings, Thorntree	Saltersgill Avenue
	Broughton Avenue, Easterside	Shelton Court, Thorntree
	Eastbourne Road	The Avenue, Nunthorpe
	Lealholme Crescent	Trimdon Avenue
	Marton, Stokesley Road	Viewley Centre,
	Marshall Avenue, Brambles Farm	Ormesby High Street
	Stainsby (proposed)	
	Hemlington Grange West (proposed)	
	Land North of Low Lane (proposed)	
	Newham Hall Farm (proposed)	

Development proposals for main town centre uses will be focused within the defined town, district, and local centres, and be of a scale that is appropriate to the centre in which they are located.

A sequential approach, in line with the requirements set out in the NPPF, will apply to proposals for main town centre uses which are not located within a defined centre, or are not in accordance with an up-to-date local plan.

An impact assessment will be required to support any proposals for town centre uses outside of existing centres, using the following thresholds:

Retail development	1000sqm of gross floorspace
Leisure development (cinemas, health and fitness clubs, tenpin bowling, casinos, nightclubs and bingo halls)	1000sqm of gross floorspace
Cafes, restaurants, pubs and bars	500sqm of gross floorspace

Where an application fails to satisfy the sequential test or is likely to have a significant detrimental impact the application will be refused.

The Council reserves the right to request such assessments in association with other proposals below the threshold which, by virtue of their scale, nature, and location and likely turnover, could have an adverse impact upon existing centres.

Middlesbrough Town Centre

- 4.56 The Middlesbrough Town Centres and Retail/Leisure Study (MRLS) September 2020 identified a number of trends that have impacted upon retail in recent years. These include the fluctuating fortunes of the retail sector, changes in formats and the growth of discounters, the continued increase of internet shopping, and the role of leisure, arts/cultural and other community facilities in supporting the vitality and viability of town centres. In addition to this the COVID-19 pandemic has contributed to a speeding up of a nationwide decline of the high street.
- 4.57 In response to this, the need to renew and revitalise the Town Centre is recognised. To achieve this, Middlesbrough's approach will be to build a new economy based upon multiple, diverse uses which will drive business, employment, living and leisure into central Middlesbrough.
- 4.58 The strategy is based on rebalancing the economy, attracting more commercial and leisure activity into the centre, whilst promoting a safe and welcoming place to live and visit.
- 4.59 Going forward, town centre uses will be encouraged in core areas of the revised Town Centre boundary, as identified on the Policies Map, and will include:
- The Civic, Commercial and Cultural Heart
 - The Retail Quarter
 - The Leisure Quarter
 - The Independent Quarter
 - The Railway Station and Historic Quarter
 - Linthorpe Road South Secondary Shopping Area
- 4.60 Supporting the recent Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 a flexible approach will allow the Town Centre to evolve, in response to

operator demand, and accommodate a range of town centre uses, with the ambition of reducing vacancy rates in the long term.

Policy EC8 Middlesbrough Town Centre

The vitality and viability of the Town Centre will be maintained and, where possible, enhanced. This will be achieved through:

- a. encouraging such uses as commercial, leisure, and cultural development within the Town Centre to promote a diverse and mixed offer, re-balancing and complementing the vitality and viability of existing retail whilst promoting the Council's ambitions at the Civic, Commercial and Cultural Heart, Railway Station and Historic Quarter and Leisure Quarter, attracting business and creating jobs;
- b. safeguarding the retail character and function of the Town Centre by focusing retail development in the Retail Quarter, as identified on the Policies Map;
- c. progressing the ambitions for a Civic, Commercial and Cultural Heart, providing for a place for public services, high density commercial accommodation, and event space of a regional significance;
- d. progressing the ambitions for the Railway Station and Historic Quarter and, by supporting the redevelopment of the Railway Station to provide a high quality public transport hub, whilst protecting and enhancing Middlesbrough's important buildings to ensure their long term sustainability through appropriate uses;
- e. transforming Captain Cook Square into a vibrant entertainment, leisure, and food and beverage quarter;
- f. safeguarding the success of the Independent Quarter, encouraging niche retail and leisure uses where they are of a small scale (below 250sqm);
- g. recognising Linthorpe Road South as an important secondary area, which meets the needs of the local community whilst continuing to support and strengthen the Town Centre night-time economy;
- h. improving public realm and promoting high quality design to ensure attractive, accessible and safe environments for all users, paying particular attention to vital links between existing Centre facilities and opportunity sites;
- i. promoting the reuse of vacant buildings, specifically those of heritage value or at risk, and;
- j. championing urban living, creating a housing offer and lifestyle that people want to be a part of.

The diversification of the Town Centre will be underpinned by the cross cutting objectives of:

- i. delivering excellent transport and connectivity;
- ii. using digital technology to enhance visitor experiences;
- iii. adopting a 'smart' city approach;
- iv. creating sustainable spaces that everyone can enjoy; and
- v. creating a safe and welcoming place for visitors.

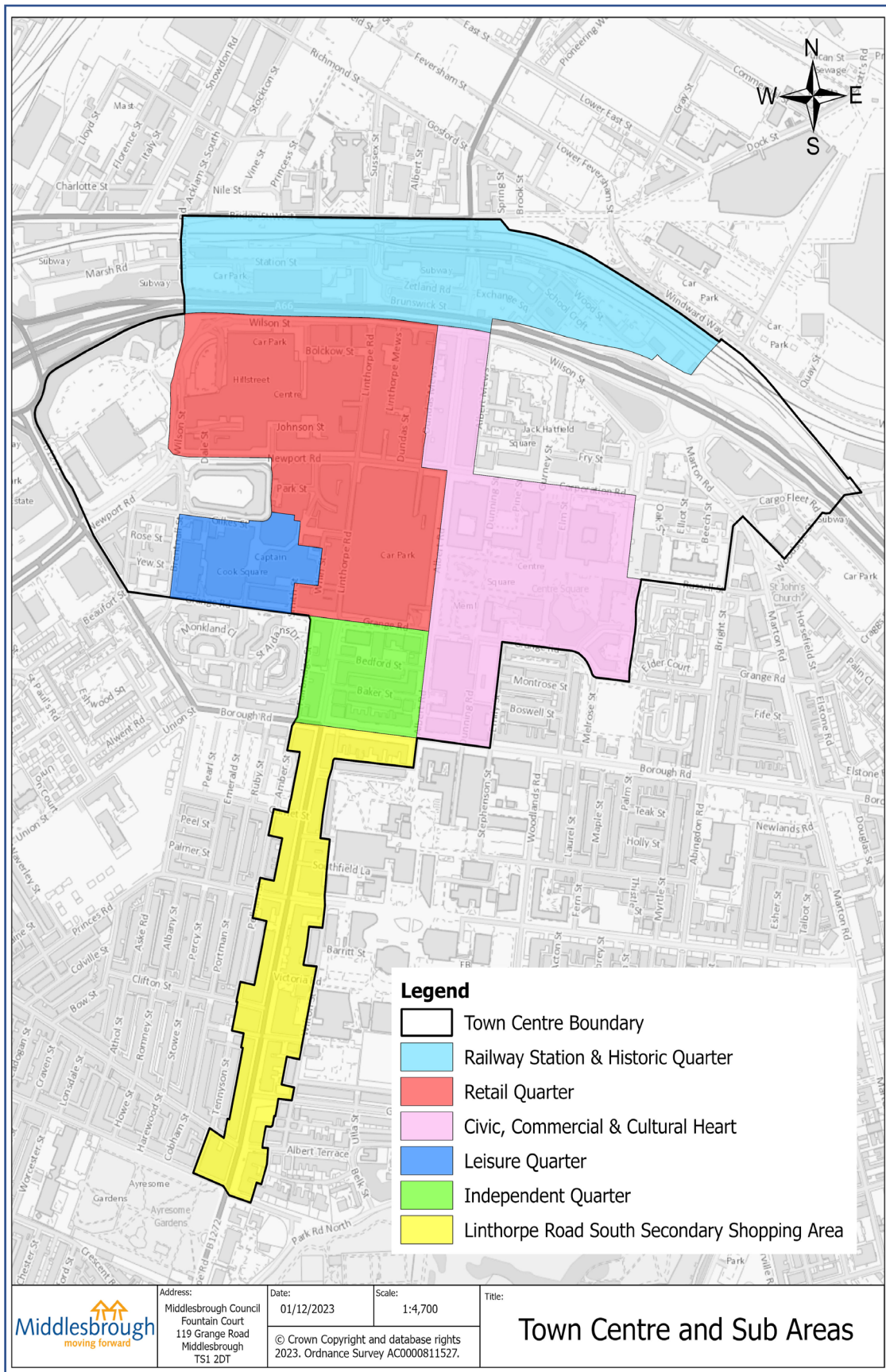


Figure 3 - Middlesbrough Town Centre areas

Civic, Commercial and Cultural Heart

- 4.61 The Civic, Commercial and Cultural Heart currently functions as the political and cultural core of the Town Centre and is home to number of heritage assets. The area is already home to the new refurbished Town Hall/Concert Hall, Library, Middlesbrough Institute of Modern Art (MIMA), and Law Courts and Holiday Inn Express. Improvement works to the public realm of Albert Road continue. Planning permission was granted in June 2017, for 3700sqm of office development at Centre Square East, with buildings one, two and six of the Centre Square Masterplan complete and occupied.
- 4.62 The vision for the Civic, Commercial and Cultural Heart is to develop the area as a cultural and commercial quarter of regional significance creating large scale development. The Council will support further phases of development and appropriate infrastructure including car parking and bus infrastructure. Critical to the delivery of the vision is the provision of a high-quality environment containing enhanced public space and creating a new civic centrepiece for Middlesbrough. Alongside the refurbished Town Hall, the Civic, Commercial and Cultural Heart will become a high-quality family destination for events. Any new development will need to be of high quality and in particular the new public space will be of exceptional quality. The new development offers the opportunity to both sustain and enhance the heritage assets within the area.
- 4.63 Important to the success of this vision will be good connectivity and linkages with the wider Town Centre. To enhance the commercial offer of Middlesbrough Town Centre it is proposed to make the Civic, Commercial and Cultural Heart a focus for high quality, high density commercial accommodation to create the Tees Valley's premier office location. Critical to the success of this commercial development will be the provision of a high-quality setting for the development.

Policy EC9 Civic, Commercial and Cultural Heart

The Civic, Commercial and Cultural Heart is allocated for a mixed-use development comprising of commercial, cultural and leisure uses.

It is expected that the proposals will achieve the following:

- a. a high-quality development creating a cultural and commercial quarter of regional significance, including appropriate ancillary uses;
- b. a focus for office provision, improved through the development of additional high quality, high density commercial accommodation around Centre Square;
- c. provision of an enhanced multi-functional entertainment and event space at Centre Square to support a wide range of activities;
- d. safeguarding of the historic Central Library for community uses;
- e. food and beverage units of an appropriate scale to complement the wider offer of the Town Centre;
- f. sustaining and enhancing the heritage assets within the Civic, Commercial and Cultural Heart,
- g. development that is of high quality design featuring, where appropriate, contemporary architecture;

- h. enhanced public areas to provide a high quality setting to commercial development, through the provision of a well designed public realm and improvements to the Centre Square;
- i. improve linkages with the surrounding area particularly the retail core of the Town Centre; and
- j. provision of car parking to support the development.

The Retail Quarter

- 4.64 The NPPF requires the Local Plan to define the extent of a centre and the primary shopping areas and make clear the range of use that will be permitted within them.
- 4.65 Retail will continue to play an important role in Middlesbrough's Town Centre, and the Retail Quarter, as the Primary Shopping Area, will seek a strong retail core whilst allowing sufficient flexibility to allow other uses to complement a wider mixed-use town centre.
- 4.66 The Retail Quarter is the Primary Shopping Area of the Town Centre and is based around the three main shopping centres, Hill Street Centre, the Cleveland Centre and Dundas Arcade, where ground floor uses typically consist of shops, banks and building societies, cafes and restaurants. The focus in this area will be to retain those retail uses that visitors would expect as part of a shopping trip and resist those uses that may undermine the strategy for this area. The types of appropriate non-retail uses include those which are open during the day, provide a shop type display and attract a high footfall of people.
- 4.67 Providing convenient access to the key services that people need is vital to creating thriving town centre areas, and community uses that support and further strengthen the Retail Quarter, by creating on-street activity, will be encouraged.

Policy EC10 Retail Quarter

The Retail Quarter, as identified on the Policies Map, will be the Primary Shopping Area (PSA) and the main focus for retail uses within the Town Centre. Other complementary town centres uses may be appropriate provided:

- a. they will not harm the principal function and character of the quarter;
- b. they will not have a detrimental impact on the vitality and viability of the Town Centre;
- c. they maintain active frontages; and
- d. they do not adversely impact upon local amenity.

Community uses will be supported where they contribute to overall footfall and provide convenient and accessible facilities that meet the day to day needs of local communities and support the cultural aspirations of Policy EC6.

When applying the sequential test to proposed new retail uses only, in-centre sites will comprise those within the PSA, with edge of centre being those that are well connected to, and up to 300m from the PSA.

Leisure Quarter

- 4.68 Captain Cook Square, adjacent to Middlesbrough Bus Station and multi-storey car parking facilities, is a key regeneration area within the Town Centre. The Council aims to re-balance a predominantly retail space into a more sustainable mix of leisure and commercial uses.
- 4.69 Recently opened developments Level X, a bowling alley and go-karting venue, and The Wired Lobby, esports and gaming arena see the beginning of the transformation of Captain Cook Square into a vibrant and exciting entertainment, dining, and leisure quarter in this part of Middlesbrough's Town Centre.
- 4.70 The key to the successful ongoing regeneration of this quarter will include improvements to public realm/central outdoor space, additional public transport network enhancements and upgrades, and a continuum of new attractions to this newly thriving leisure destination of the Town Centre.

Policy EC11 Leisure Quarter

The Leisure Quarter, as identified on the Policies Map, will be the main focus for leisure uses within the Town Centre.

Other complementary uses, including those that support the evening economy may be appropriate provided:

- a. they will not harm the principal function and character of the quarter;
- b. they will not have a detrimental impact on the vitality and viability of the Town Centre;
- c. they maintain active frontages and do not have a detrimental impact upon daytime footfall;
- d. they do not adversely impact upon local amenity.

Applications for retail may be considered appropriate provided they are complementary and will not harm the principal function of the Retail Quarter.

Independent Quarter

- 4.71 Home to the renowned Orange Pip Market, this quarter is already a well-known and established location in Middlesbrough Town Centre. Centred around the Baker/Bedford streetscene, Middlesbrough's Independent Quarter offers a vibrant and unique experience of niche shopping, food, and drink offers. To continue to strengthen the diverse offer in this area, small scale commercial enterprises will be encouraged.

Policy EC12 Independent Quarter

The Independent Quarter, as identified on the Policies Map, will be the focus for small scale town centre uses of up to 250sqm.

Applications for main town centre uses within the Independent Quarter area, above the identified threshold (250sqm of gross floorspace), will need to satisfy the sequential test. When applying the sequential test, applications for main town centre uses will consider the Retail Quarter (PSA boundary) as in-centre.

Railway Station and Historic Quarter

- 4.72 Middlesbrough Railway Station is a key part of the historic heart of Middlesbrough. The Grade II listed buildings are currently being renovated to remedy structural issues with the roof that have left the south entrance and on-site car park closed for some time. Middlesbrough is the second busiest station in the Tees Valley behind Darlington. Work is currently underway on a multi-million pound project to redevelop the Railway Station building and its surrounding public realm area. The investment is being made available during the current franchise period to improve the main station building and passenger facilities, which will support enhanced rail services. Once complete, the improvements will support the commencement of the direct link to London, along with enhanced services to Tyneside, York, Leeds and the surrounding areas.
- 4.73 The Historic Quarter Conservation Area has some of the most historically important buildings in Middlesbrough, and careful consideration needs to be given to ensuring that they are protected whilst, at the same time, ensuring their long-term sustainability through appropriate uses.
- 4.74 The ongoing improvements to the Railway Station, and the presence of historically important buildings, will play a crucial role in the economic growth of Middlesbrough. The ambition to secure development provides a timely opportunity to consider the quality of the surrounding environment and its role in helping move people around the town. The Railway Station and Historic Quarter are well located to serve these new developments, and will play an important role not only in welcoming visitors to the town, but also the connectivity of how people move between the Railway Station, nearby car parks, Middlehaven, the Town Centre and the bus station.
- 4.75 In addition funding from Historic England in the form of a Heritage Action Zone is helping to restore the public realm within Middlesbrough's Historic Quarter, with Zetland Road and Exchange Square set to form one of the key gateways into the town.
- 4.76 Particular importance will be placed on improving the quality of the experience for visits to the Railway Station and the surrounding area. The Council and stakeholders prepared a masterplan for the station that included options for enhancing the environment in this area, along with appropriate transport solutions, particularly for the connectivity and accessibility of public transport and pedestrian movements. The masterplan also provides opportunities for the redevelopment of less viable areas.

Policy EC13 Railway Station and Historic Quarter

Redevelopment of the Railway Station to provide a high quality public transport hub that supports direct services to London, alongside regional and local services, will be supported. This will involve:

- a. the provision of an additional platform to support improved rail services where need is identified;
- b. enhancing the public realm and public squares within the Quarter to improve its accessibility and links with the Town Centre;
- c. improving accessibility for cyclists and pedestrians to the Railway Station and improving links to public transport;

- d. supporting appropriate uses for the important historic and underemployed buildings within the Conservation Area which will sustain and enhance their significance;
- e. redeveloping surrounding areas for alternative use complementary to the role of the station/area as a key transport hub and gateway to Middlesbrough Town Centre;
- f. creating an environment that encourages investment;
- g. supporting opportunities for urban living where these do not detract from the principal use of the area as a transport hub/gateway or its historic fabric; and,
- h. supporting the repurposing of the Station Street area as a focus for creative enterprise, to include the redevelopment of the Auxiliary Project Space, providing improved studio, gallery and performance facilities for artists.

Linthorpe Road South Secondary Shopping Area

- 4.77 The MRLS identified the importance of Linthorpe Road South as a secondary shopping area, which offers a number of specialist/niche comparison goods retailers, as well as a range of independent eating and drinking establishments, which meet the needs of students of Teesside University and residents from the residential area to the west.
- 4.78 This secondary shopping area will continue to provide an important role in meeting local needs, as well as providing more speciality facilities which complement the wider offer of the Town Centre.

Policy EC14 Linthorpe Road South Secondary Shopping Area

Linthorpe Road South Secondary Shopping Area, as identified on the Policies Map, will continue to meet the needs of the local community whilst supporting and strengthening the Town Centre night-time economy. Town centre uses will be encouraged here, provided they are of an appropriate scale.

Other complementary uses will be permitted provided:

- a. they will not harm the function and character of the quarter;
- b. they will not have a detrimental impact on the vitality and viability of the Town Centre;
- c. they maintain live frontages and do not have a detrimental impact upon daytime footfall;
- d. they do not adversely impact upon local amenity.

Applications for main town centre uses within the Linthorpe Road secondary shopping area, above the identified threshold (250sqm of gross floorspace), will need to satisfy the sequential test. When applying the sequential test, applications for main town centre uses will consider the Retail Quarter (PSA boundary) as in-centre.

Middlesbrough's District and Local Centres

- 4.79 The retail hierarchy identifies four district centres, which contain a range of retail and service uses, as well as other community facilities, to which people in Middlesbrough look to, to meet many of their needs. They are all readily accessible via strong transport networks to the immediate and wider community.

- 4.80 There are 22 local centre designations including four new proposed local centres and whilst the total number of units and floorspace in each of the Local Centres varies significantly, this reflects the differing roles and functions of these centres, and the scale and nature of the catchment areas they serve. They all contain a range of uses which meet the day to day needs of residents in the surrounding area.

Policy EC15 District and Local Centres

The vitality and viability of Middlesbrough's District and Local Centres will be maintained and, where possible, enhanced. This will be achieved through:

- a. encouraging key services including shopping, commercial, leisure and community facilities within a centre of an appropriate type and scale commensurate with its current and future function;
- b. encouraging convenient and accessible shopping facilities at district, local and neighbourhood level, ensuring that the needs of the community are met;
- c. ensuring shopping facilities are accessible including by car, walking, cycling and public transport.
- d. ensuring new developments are of an appropriate high-quality design.

Proposals for changes of use of units within both district and local centres to food and beverage outlets (café/restaurants, public houses and hot food takeaways) should seek to, amongst other things:

- e. minimise any potential impact upon the overall vitality and viability of the centre, including its retail character;
- f. maintain active frontages as far as possible; and
- g. protect local amenity (having regard to potential impacts in terms of noise, fumes/odour and traffic).

Neighbourhood shops will continue to provide a range of shops, services and community facilities, and will continue to be protected where they are important to the day to day needs of local communities.

In line with housing allocations, provision for new local centres will be made available when the need arises.

Hot food takeaways

- 4.81 Under national planning policy, hot food takeaways are a town centre use that should be located within our centres. There are, however, a number of problems that are associated with these uses. Their operation can result in external impacts, such as noise and odours, traffic and parking, and litter. They also tend to be open only during the evenings, meaning closed and shuttered shop fronts during the day time.
- 4.82 It is important that there is an appropriate balance of uses within centres to ensure they can fulfil their primary retail function. High proportions and concentrations of hot food takeaway establishments within centres can have a negative impact on their vitality and viability.

- 4.83 There is also a recognised link between take away food and obesity. Childhood obesity, and excess weight, are significant health issues in Middlesbrough, with national evidence¹ identifying Middlesbrough's obesity rates in school children to be higher than the national average. In order to improve health and wellbeing in the Town and encourage healthier eating choices, applications for hot food takeaways in specific locations (for example, within walking distance of schools) will be carefully managed.

Policy EC16 Hot Food Takeaways

Proposals for hot food takeaways (sui generis) will only be permitted where the proposed use would not:

- a. result in the proportion of the total units in the defined areas (as defined on the Policies Map) exceeding the following thresholds:
 - Town Centre (except Linthorpe Road South Secondary Shopping Area) 6%
 - Linthorpe Road South Secondary Shopping Area 6%
 - District and Local Centres 10% (in each respective centre)

Applications for hot food takeaway uses will only be permitted where the grant of planning permission would not result in this level being exceeded; or

- b. result in more than two adjacent hot food takeaway uses; or
- c. be located within the Primary Shopping Area (PSA), unless identified as an area of redevelopment with specific policy requirements; and

in addition to the above criteria, to promote healthier communities:

- d. planning permission will not be granted for hot food take away uses within 400m walking distance of an entry point to a secondary school.

To further protect the vitality and viability of retail centres and the amenity of the surrounding area, applications for hot food takeaways should seek to, among other things:

- i. minimise any potential impact upon the retail character of the centre;
- ii. maintain active frontages as far as possible; and
- iii. protect local amenity (having regard to potential impacts in terms of noise, fumes/odours and traffic).

Hot food takeaways (sui generis) will not be permitted outside of a defined centre.

Retail development on industrial estates and business parks

- 4.84 All new retail development should be focused within existing centres in accordance with Policy EC7. However, it is recognised that there are certain instances where it is necessary, or more sustainable, for retail and food uses to be located on existing industrial estates and business parks.

¹ [National Child Measurement Programme, England, 2022/23 School Year - NHS Digital](#)

- 4.85 In some instances, an industrial or business operator will have a small level of retail associated with the business, which is inextricably linked to the main industrial processes of the operator. In such circumstances, the main industrial function would not be appropriate within a centre, and ancillary retail would be appropriate within an industrial estate or business park.
- 4.86 Industrial estates and business parks are major employment areas and, as a result, there will be a need to provide the opportunity for some small scale retail and food operators to meet the needs of workers during their shifts, particularly at lunchtime. In sustainability terms, it is preferable for these operators to be located as close as possible to their customers and, therefore, some small scale retail and food uses will be permitted in industrial estates and business parks that are not already served by existing retail and food businesses. However, these should be less than 200sqm to ensure that they are primarily to meet the needs of workers.

Policy EC17 Retail Development on Industrial Estates and Business Parks

Retail uses will only be permitted within industrial estates and business parks identified in Policy EC2, where proposals involve:

- a. retailing ancillary to, and inextricably linked with, a business or industrial use, where the main use would be inappropriate in a centre; or
- b. small scale retail and food uses providing a local service to those working in an industrial area where there is a deficiency in that service. Total gross floorspace in any one unit should not exceed 200sqm.

Development proposals should be designed to provide access by walking or cycling on accessible routes, and to minimise reliance on the private car.

5. Housing Development

Strategic Objective

- Objective A** To deliver new high quality, well-designed and energy efficient development that meets the needs and aspirations of our current and future residents
- Objective D** To build high quality homes that help strengthen our Communities
- Objective H** To achieve healthy and safe communities

Housing Strategy

- 5.1 Middlesbrough will require significant new housing development over the Local Plan period. The need for additional housing reflects national trends of people living longer, marrying later, and more families breaking down - leading to fewer people on average living in each dwelling. Additionally, many residents aspire to a new home for a variety of lifestyle reasons. This puts pressure on housing markets, and an appropriate level of new development is required to satisfy the demands of an increasingly aspirational population.
- 5.2 The Council is seeking to develop and sustain a strong local economy, with economic growth aspirations to deliver 350 new jobs per annum. The provision of new housing set within high quality places where people want to live will be essential to support economic growth aspirations in order to house both the existing population and those choosing to move to Middlesbrough to take up employment opportunities and/or invest in a revitalised economy. The development of new housing also brings significant benefits to the local economy directly through increased construction jobs, increased business for materials suppliers and indirectly through increased spending in the local economy by workers and occupiers of the new housing. The achievement of economic growth and associated housing development will be crucial to ensure the Council can continue to efficiently deliver services and to ensure the long term viability of infrastructure and services, such as schools.
- 5.3 New housing developments within the south of the borough that have taken place in recent years have helped to widen the choice of housing available in Middlesbrough, particularly of higher value family housing. The provision of high quality new housing in locations that meet residents' aspirations has helped the borough to retain population, particularly of the economically active sections of the community, who may have otherwise moved out of Middlesbrough in order to find the house types and lifestyle locations to which they aspire.
- 5.4 The continued provision of suburban housing in locations attractive to house buyers will be a key part of delivering a balanced portfolio of housing and achieving economic growth in Middlesbrough. It is important that major new development in suburban locations is master planned, informed by extensive community engagement and supported by high quality built and green infrastructure.
- 5.5 Within and around the Town Centre, Middlesbrough's housing offer lacks high quality urban living opportunities. The current housing offer for people wishing to live in the centre of Middlesbrough does not fulfil the aspirations of predominantly younger people, who wish to

live near cultural and leisure opportunities and transport hubs. Providing new housing in these locations that meets aspirational needs is part of a wider strategy to support the Town Centre and to bring in life, vitality and vibrancy. The provision of housing within the urban area will act as a catalyst for wider regeneration and increase re-use of previously developed land with a consequent reduction on pressure for housing on green field sites.

- 5.6 In order to ensure that town centre living is attractive the right living environment will need to be created. The provision of high quality houses and apartments is just one aspect, albeit an important one, in creating the right environment. The provision of quality housing, offering good space standards and outdoor amenity space will need to be combined with the delivery of a strong evening economy, the provision of leisure and cultural opportunities, high quality transport infrastructure links and local employment opportunities that are matched to those who aspire to live in urban areas.
- 5.7 The continued regeneration of brownfield, urban and suburban areas including Grove Hill, Gresham and Middlehaven, is a priority for the Council. These regeneration sites impact upon the attractiveness of Middlesbrough as a place to live and work and on wider perceptions of the town as a whole. It is important to Middlesbrough's future success that they are redeveloped for a range of appropriate uses and that new housing delivers a good mix of housing type, size and tenure that is well integrated with existing development and existing communities. Gresham and, particularly, Middlehaven offer opportunities for urban living, whereas new housing in Grove Hill will provide more suburban house types. New housing in these locations will contribute significantly to the supply of modern high quality affordable housing to meet local needs and to assist with the creation of sustainable communities.
- 5.8 A wide range of housing sites, from urban living sites within and around the Town Centre through to suburban greenfield sites will be required to ensure that new housing over the Local Plan period addresses deficiencies and gaps in the housing market and widens the choice and variety of housing available to meet the housing needs and aspirations of all sectors of the community.
- 5.9 In order to ensure that Middlesbrough enhances its status at the core of the Tees Valley and develops as a place where people want to live, work, invest in and visit, all new housing development should create high quality, distinctive and attractive living environments. The integration and provision of green spaces as a core element of the design layout will be important, along with easy access to public transport and maximising opportunities for walking, wheeling and cycling. Housing should be located where existing infrastructure, community facilities and services have spare capacity and/or can be improved or provided as part of the new development.

Policy HO1 Housing Strategy

All new housing development will be required to contribute to the creation of balanced and sustainable communities. This will be achieved by:

- a. ensuring all new housing development is of high quality design that contributes to the creation of high quality places;
- b. ensuring there are sufficient houses to support the economic aspirations of the borough;

- c. maximising and prioritising the re-use of previously developed land to meet the need for new housing;
- d. providing new housing in and around the Town Centre that supports the achievement of urban living aspirations;
- e. supporting housing based regeneration schemes in Gresham, Grove Hill and Middlehaven;
- f. providing high quality housing that improves living standards;
- g. providing a range of modern, high quality affordable housing as part of the housing mix on sites where it is economically viable to do so;
- h. minimising the impact on the environment through the provision of sustainable housing;
- i. providing a balanced portfolio of housing that reflects the needs and aspirations of the town's communities;
- j. minimising further development of new housing in greenfield suburban locations beyond those identified in Policy HO4 or in a neighbourhood plan; and
- k. ensuring infrastructure is available or can be provided in a timely manner to support new housing development and that the new communities have easy access to green infrastructure.

Housing Requirement

- 5.10 A minimum housing requirement of 400 net additional dwellings per annum is proposed for Middlesbrough between 2022 and 2041. This has been informed by a Local Housing Needs Assessment (LHNA) (2020).
- 5.11 The LHNA identified that the standard methodology for calculating housing need gives a requirement for a minimum of 256 net additional dwellings per annum. The Planning Practice Guidance (PPG) advises that this is the minimum starting point for considering the number of homes needed in an area and that there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates.
- 5.12 The PPG advises that uplifting the housing requirement may be appropriate where there is a growth strategy for the area. The Council has aspirations to achieve economic and jobs growth over the Plan period, as set out in Policy EC1. The LHNA established that a housing requirement of 400 net additional dwellings would support economic growth of approximately 350 additional jobs per annum over the period 2019 - 2037. Whilst this is lower than the aspirations of the time to deliver 500 additional jobs per annum, it is considered to be a realistic target for Middlesbrough as the economic impact of the COVID-19 pandemic is likely to result in lower initial jobs growth early on in the plan period. It is, therefore, considered appropriate to continue to use this housing requirement for the Local Plan.
- 5.13 Net housing completions over the last 11 years (since the base date of the adopted Housing Local Plan) have averaged 520 dwellings per annum. Setting the housing requirement at 256 dwellings per annum, as identified by the LHNA, would result in a housing requirement that is only half the level of recent delivery rates and would not achieve the Government's objective of significantly boosting the supply of homes nor meet the need to support economic growth in Middlesbrough. The proposed requirement for 400 dwellings per annum

is closer to previous years' delivery rates and, as it is a minimum requirement, would not prevent higher build rates if sufficient housing demand exists.

Five Year Deliverable Supply

- 5.14 The Council will seek to ensure that a five year rolling supply of deliverable housing sites is available. If the Council's annual monitoring process identifies that a five year supply of deliverable housing sites is not available the following actions will be undertaken as appropriate:
- i. investigate with landowners and developers why any sites in the housing trajectory are not coming forward as forecast, giving consideration to how any delivery constraints can be overcome, for example, through infrastructure improvements;
 - ii. consider the early release of allocated Council owned land to the housing market;
 - iii. consider the use of Compulsory Purchase Orders to assemble land ready for housing development;
 - iv. draw on unallocated sites in the Brownfield Register;
 - v. draw on unallocated sites in the Housing Land Availability Assessment where they accord with the Housing Strategy in Policy HO1, would make a significant contribution to achieving the deliverable five year housing land supply, and where the benefits of delivering additional housing significantly and demonstrably outweigh any adverse impacts; and
 - vi. undertake a partial review of the Local Plan to bring forward additional deliverable housing sites.

Neighbourhood Plan Areas

- 5.15 Within the borough there are six designated Neighbourhood Areas at: Gresham; Marton West; Stainton & Thornton; Coulby Newham; Nunthorpe; and Marton East). Two Neighbourhood Plans have been adopted by the Council for Marton West and Stainton and Thornton and the others are in the process of preparing Neighbourhood Plans. The minimum housing requirement for the Neighbourhood Areas is set out in Policy HO2. The requirement consists of sites over 5 dwellings completed in 2022/23, those with planning permission and existing and proposed housing allocations. The Neighbourhood Areas may wish to identify additional land for housing within their Neighbourhood Plans. A list of the housing sites within each Neighbourhood Area is shown at Appendix 7.

Policy HO2 Housing Requirement

The Council will work with local communities, landowners, developers and other stakeholders to ensure that the Local Plan delivers:

- a. a minimum of 7,600 net additional dwellings in Middlesbrough between 2022 and 2041; and
- b. a five year supply of deliverable housing land is maintained throughout the plan period.

The housing requirement will be delivered from extant planning permissions, housing allocations in Policy HO4 and windfall sites.

The designated Neighbourhood Areas should make provision within their Neighbourhood Plans for at least:

- i. 217 net additional dwellings in Gresham;
- ii. 122 net additional dwellings in Marton West;
- iii. 2,210 net additional dwellings in Stainton and Thornton;
- iv. 411 net additional dwellings in Nunthorpe;
- v. 797 net additional dwellings in Coulby Newham; and
- vi. 272 net additional dwellings in Marton East.

Small Windfall Sites

- 5.16 Over the Plan period a number of sites will come forward for housing which do not currently have planning permission and have not been allocated for development in Policy HO4. A small sites windfall allowance has been included within the housing supply to take account of these sites. The small sites windfall allowance is based on the average of 31 dwellings per year delivered on small sites between 2010 and 2020. Since then, nutrient neutrality has limited the numbers coming forward, and it is likely to do so at least until 2030 when the provisions of the Levelling Up and Regeneration Act come into effect. Therefore, the windfall allowance has been applied from 2030 onwards in order to provide a conservative estimate of delivery. The small windfall sites are projected to deliver approximately 341 dwellings over the Plan period.

Sources of Housing Supply

- 5.17 The housing requirement will be delivered through a combination of:
- i. housing allocations set out in Policy HO4;
 - ii. sites with planning permission; development in the MDC area (see Policy ST2); and
 - iii. small windfall sites.
- 5.18 Together, these are projected to deliver 8,488 net additional dwellings between 2022 and 2041, as set out in Table A below.

Table A Sources of Housing Supply

Source of housing supply	Projected net additional dwellings 2022-41	Projected net additional dwellings post 2041
Delivery so far (2022 – 23)	600	
Existing sites with planning permission	2,349	
Existing Local Plan Allocations without Planning Permission	3,245	320
New Housing Site Allocations	1,475	
Small sites windfall allowance	341	
New MDC area site at Station Street identified in Policy ST2 ²	140	

² Other sites within the MDC area, included in Policy ST2, are counted in either 'existing sites with planning permission' or 'existing local plan allocations without planning permission'.

Additional delivery in MDC area (to meet 1,500 target)	563	
Fleet House and Thorntree House demolitions (net)	-225	
Total	8,488	320

- 5.19 It is anticipated that the housing sites will be delivered in accordance with the housing delivery trajectory set out in Appendix 6.
- 5.20 The projected supply of 8,488 dwellings exceeds the minimum housing requirement of 7,600 dwellings set out in Policy HO2 by 888 dwellings, plus an additional 320 dwellings expected to be delivered beyond 2041. This equates to an over-allocation of approximately 11.7%. It is considered prudent to plan for more than the minimum housing requirement to:
- maximise housing choice for existing and future residents;
 - ensure that a five year deliverable supply of housing can be maintained throughout the Plan period;
 - ensure there is a buffer of sites that would allow the minimum housing requirement to be achieved even if there were to be slippage in the timing of some sites coming forward (which could reduce the number of dwellings delivered within the Plan period) or if housing sites were to be developed for alternative uses;
 - allow for the fact that some sites within the urban area will need to be facilitated through public sector funding and that the availability of this funding may change over the 19 years of the Plan period; and,
 - to allow for potential changes in the attractiveness of different housing products in a period of economic uncertainty as a result of the COVID-19 pandemic and the long term impacts of Brexit which are not yet known.

Student Accommodation

- 5.21 Student accommodation with planning permission that is considered deliverable or developable within the Plan period has been included within the housing supply, on the basis of the amount of accommodation that the new student housing releases in the wider housing market (by allowing existing properties to return to general residential use) and/or the extent to which it allows general market housing to remain in such use (rather than needing to be converted for student use).
- 5.22 In accordance with the PPG the amount of accommodation released to the wider housing market from multi-bedroom student accommodation has been calculated on the ratio of 2.5 student bedrooms being equivalent to one dwelling (on the basis that the 2011 Census indicated that there is an average of 2.5 students living in each student only household in England). Also in accordance with the PPG studio flats designed for students, graduates or young professionals have been calculated as a single dwelling.

Housing Mix and Type

- 5.23 The LHNA projects the size of dwellings that are likely to be required over the Plan period to accommodate expected household growth, as set out in Table B. (As the Local Plan will cover the period 2022 – 2041, these figures have been updated to reflect the longer period).

- 5.24 It is important to note that these projections represent the minimum dwelling size needed to accommodate the projected number of people that each household will contain. On this basis the largest need is for three bedroom properties. The next largest area of need is for smaller dwellings of two and one bedrooms, that tend to be needed by younger people entering the housing market and first time buyers. Catering for this area of need will be an important aspect in supporting the economy by retaining working aged people within the borough, particularly those graduating from university and starting employment.

Table B: Projected Minimum Dwelling Size Requirement

Size of dwelling	Planned overall need by property size (number of dwellings)	Revised Figure for period 2022 – 2041
One bedroom	580	610
Two bedrooms	2,050	2,160
Three bedrooms	3,855	4,070
Four or more bedrooms	495	525
C2 dwellings (care homes and nursing homes)	225	235
Total	7,200	7,600

Source: Local Housing Needs Assessment 2020 & Middlesbrough Council (N.B. Figures may not add due to rounding).

- 5.25 It is also important to recognise that many households will aspire to larger dwellings with a higher number of bedrooms than the minimum required. Additional ‘spare bedrooms’ may be sought for a variety of reasons, such as to host guests/relatives, a play room and increasingly to provide a study room for home-working. Much of the housing developed in recent years in Middlesbrough has been for larger dwellings, which have been important in stabilising the population of the borough and achieving the Council’s economic strategy. Larger dwellings will remain an important part of the overall mix of dwellings over the lifetime of the Plan in order to help retain population and minimise out migration to neighbouring boroughs.
- 5.26 New housing development will be expected to provide an appropriate mix of dwelling types and sizes that contributes towards the housing needs identified in the LHNA (or in subsequent updates). New development will be expected to improve the overall quality of the housing offer in Middlesbrough.
- 5.27 The LHNA identifies that there is projected to be significant growth in the older population over the Plan period. Many older people will wish to remain in their existing homes for as long as possible, especially where appropriate adaptations can be made. However, the LHNA identifies that there will also be a significant need for both extra care housing and sheltered housing. The provision of a range of housing options to meet older people’s needs will be encouraged, either as stand-alone developments, such as a retirement village, or as an integral part of a wider housing mix on a site.
- 5.28 Given the trend towards an ageing population in Middlesbrough, it is important that new housing is designed to be adaptable to meet the changing needs of families over their lifetime. The provision of a proportion of new homes that are accessible and adaptable will assist people to remain in their own homes longer as they get older and/or if they have a disability.
- 5.29 The LHNA identified that there were 617 households in Middlesbrough with a limiting long term illness or disability who need to move to a more suitable home that meets building regulation requirement M4(2) ‘accessible and adaptable dwellings’. The LHNA projected that

this will increase to 4,674 households who will need accessible and adaptable dwellings as the population gets older and experiences associated health problems. It would not be viable to require all new dwellings to meet M4(2) standards and as such it will not be possible to address the full need. To help meet this need, on major developments the Council will expect 10% of dwellings to be built to M4(2) standards.

- 5.30 Within the projected 4,674 households that will need M4(2) 'accessible and adaptable' dwellings is an increase of 500 households over the Plan period that will need M4(3) 'wheelchair adaptable dwellings'. The LHNA identifies that approximately 94% of households needing wheelchair adaptable dwellings will be for persons over 75 and that many of these are likely to require specialist older persons accommodation rather than an independent dwelling. To help meet this need, on large development sites the Council will expect 2% of dwellings to be built to M4(3) standards.

Policy HO3 Housing Mix and Type

All residential development will be required to achieve the Space Standards in Policy HO7.

Residential developments of 10 or more dwellings will be expected to:

- a. provide a range of dwelling types, tenures and sizes that reflect identified housing need and demand in the local housing needs assessment or any subsequent updates;
- b. include affordable housing where required by Policy HO5; and
- c. provide at least 10% of the dwellings as bungalows.

In addition to the above, at least 10% of the total number of dwellings will be required to achieve building regulation requirement M4(2) 'accessible and adaptable dwellings'.

Residential developments of 100 or more dwellings will, in addition to the above requirements, be expected to:

- d. provide at least 2% of dwellings that achieve building regulation requirement M4(3) 'wheelchair adaptable dwellings'.

In accordance with Policy HO11, residential developments of 200 or more dwellings will, in addition to the above requirements, be expected to:

- e. make at least 1% of the dwellings available as self-build or custom build plots.

The provision of dwelling types to meet the needs of older people, such as bungalows and low rise apartments, will be encouraged as part of the housing mix on all suitable development sites. Housing specifically designed for older people and those with special housing needs, including extra care and sheltered housing, will be encouraged on suitable sites.

Housing Allocations

- 5.31 The housing allocations provide a range of sites across the borough to ensure choice and variety in the type of housing that will be developed over the Plan period.
- 5.32 The housing allocations are projected to deliver approximately 5,058 net additional dwellings within the Plan period, and 320 additional dwellings beyond the 2041. A further

1,500 dwellings are expected to be delivered on sites within the MDC area (some of which are identified in Policy ST2). The dwellings projected beyond 2041 are on larger sites that will take a number of years to be developed out. If there is sufficient market demand these dwellings could come forward earlier, within the Plan period. The inclusion of housing beyond the Plan period on larger sites is to ensure that infrastructure for the whole of the site can be properly planned for from the outset.

- 5.33 The projected number of dwellings assigned to the allocated housing sites is indicative only and is not intended as a maximum or minimum. This demonstrates that the allocations, in combination with other sources of supply, are capable of delivering sufficient dwellings to satisfy the housing requirement identified in Policy HO2. The precise dwelling capacity of the sites will be determined at the planning application stage, where the applicant will need to demonstrate that the proposed number of dwellings is appropriate through a design-led approach that has regard to the characteristics of the site and the surrounding area.

Policy HO4 Housing Allocations			
The sites in the table below are allocated for residential development. The number of dwellings identified for each site is indicative and is not intended as either a maximum or a minimum.			
Policy Reference	Site	Net additional dwelling (2023/24 to 2040/41)	Net additional dwellings (post 2041)
HO4a	Stainsby	1,300	
HO4b	Newham Hall Farm	780	320
HO4c	Grove Hill	296	
HO4d	Nunthorpe Grange	250	
HO4e	Former St David's School	139	
HO4f	Hemlington Grange	608	
HO4g	Hemlington North	35	
HO4h	Hemlington Grange South	130	
HO4i	Hemlington Grange West	170	
HO4j	Ford Close Riding Centre	45	
HO4k	Hemlington Lane	18	
HO4l	Land East of Driving Range	77	
HO4m	Coulby Farm Way	17	
HO4n	Land West of Cavendish Road	16	
HO4o	Land North of Low Lane	700	
HO4p	Holme Farm	430	
HO4q	Land at Stainsby Road	47	
	Total	5,058	320

Stainsby

- 5.34 The Stainsby site located in West Middlesbrough will be developed to create a new residential neighbourhood, predominantly enclosed by green space. The new community will include housing, a local centre, school and a country park.

- 5.35 The site has previously been allocated in the Housing Local Plan (known as 'Brookfield'), although the site boundary has been revised to reflect the development that has already taken place. The first phase delivered a total of 416 dwellings at Acklam Woods (77), Kingsbrook Wood (126) and Stainsby Hall Farm (213). The second phase delivered a total of 299 dwellings, at Brookland Park (160) and Brookfield Woods (139).
- 5.36 The Council adopted the Stainsby Country Park and Masterplan Design Code in June 2022, which will be used to guide development proposals and in the consideration of any planning applications relating to the site. The Council intends to designate the new Stainsby Country Park as Local Green Space at the earliest opportunity, once it has been provided.

Policy HO4a Stainsby

The allocation at Stainsby provides an opportunity to create a new community on the western fringes of Middlesbrough characterised by neighbourhoods of modern and contemporary family housing within a landscape setting. It will include footpaths and cycleways within green corridors integrated throughout the development linking individual neighbourhoods and the surrounding residential areas.

This new community will include the following uses:

- a. residential (1,300 dwellings);
- b. a country park, incorporating existing areas of open space that will link to new open spaces;
- c. a local centre, including a visitor centre and new sports pitches; and
- d. a primary school (to be provided when need arises).

A development of high quality will be required in accordance with the adopted Stainsby Country Park and Masterplan Design Code. Proposals for the development of the site should:

- e. create residential development in neighbourhoods of identifiable character which provide variety and diversity in layout and design;
- f. provide a mix of dwelling types and sizes, including bungalows, in accordance with Policy HO3;
- g. provide 'accessible and adaptable dwellings' and 'wheelchair accessible dwellings' in accordance with Policy HO3;
- h. provide self-build and/or custom build plots in accordance with Policy HO11;
- i. provide affordable housing in accordance with Policy HO5;
- j. provide the local centre and primary school in a central location which maximises accessibility, by non-car modes, for future residents and provide financial contributions to improve off-site secondary school provision to accommodate the educational needs of future residents;
- k. provide a Country Park along the northern and eastern part of the site;
- l. include areas of landscaping to provide screening from the A19;
- m. enhance the Local Wildlife Sites in the north of the site and provides compensatory provision for any loss of habitat required for highway access;
- n. retain mature trees where possible;
- o. incorporate other open space throughout the development;

- p. is accessed from A1130 creating a link road through the development connecting to Jack Simon Way, direct vehicular access onto which will be limited to ensure that it functions efficiently as a distributor road;
- q. provide any necessary off-site improvements to transport infrastructure to mitigate the impact of development;
- r. provide a strategic traffic free route through the development running North/South between the A1130 and Jack Simon Way;
- s. provide pedestrian and cycleway links in the form of green links throughout the development to improve connectivity including links to the residential areas and community facilities located to the east of the site and to the public right of way to the south west of the site;
- t. restrict built residential development to the part of the site within Flood Zone 1 only;
- u. maximise the use of SuDS, water efficiency measures and landscape buffers as appropriate to protect Saffwood and Blue Bell Beck from urban run-off and sedimentation; and
- v. maintain an access route for farm vehicles from the farmstead at Stainsby Hill Farm to the farmland south of Stainsby Grange equestrian centre.



Figure 4 - Stainsby Masterplan

Newham Hall Farm

- 5.37 The site, which is located to the south east of Coulby Newham, will be developed to create a high quality suburban extension to the existing residential area. The majority of the site was previously in agricultural use, though the area around Lingfield Farm provides open space, allotments and a play area. The Lingfield Farm area of the site will be retained and enhanced as an area of open space that will provide a focus for recreational and community use for existing and future residents.
- 5.38 Given the large scale of the site, a wide range of housing types to meet the needs of all the community will be provided within distinctive neighbourhoods. A masterplan is currently

under preparation for the site and may lead to amendments to the Policy to take account of the outcome of this exercise.

Policy HO4b Newham Hall Farm

Land is allocated for the development of approximately 1,100 dwellings.

Proposals for development of the site should:

- a. protect and enhance approximately 6 ha of open space and community facilities at Lingfield Farm, including the allotments, play area and pond, as a hub to serve the wider area;
- b. provide an appropriately scaled Local Centre located with other community facilities at Lingfield Farm;
- c. provide a primary school when the need arises and provide financial contributions to improve off-site secondary school provision to accommodate the educational needs of future residents;
- d. provide a mix of dwelling types and sizes, including bungalows, family housing, executive dwellings that complement and enhance the choice and quality of housing in the local area in accordance with Policy HO3;
- e. create residential development in neighbourhoods of identifiable character that provide variety and diversity in layout and design, land adjacent to Newham Hall should be developed for low density executive dwellings;
- f. provide 'accessible and adaptable dwellings' and 'wheelchair accessible dwellings' in accordance with Policy HO3;
- g. provide self-build and/or custom build plots in accordance with Policy HO11;
- h. provide affordable housing in accordance with Policy HO5;
- i. preserve the character and appearance of the setting of the Grade II listed structures Newham Hall, Newham Hall Lodge and Newham Hall Gate;
- j. incorporate and retain the local listed Newham Hall Farm;
- k. be accessed from a new roundabout junction onto B1365, Bonnygrove Way and Rye Hill Way and provide any necessary off-site improvements to transport infrastructure to mitigate the impact of the development;
- l. provide bus penetration, potentially including bus priority measures / bus only restrictions, to ensure it can be served by public transport and facilitate the provision of a wider south orbital route;
- m. provide pedestrian and cycleway links throughout the development, linked to existing public rights of way, to improve connectivity, including links to adjoining residential areas, community facilities and Coulby Newham District Centre;
- n. protect and enhance the woodland areas adjacent to Southwood and Fernwood, Marton West Beck and the coppice north of Newham Hall Farm and retain a green buffer zone between the housing and Marton West Beck and its tributaries;
- o. incorporate a structural tree buffer alongside the B1365, to the east and south of the access road to Newham Hall Farm of a minimum 10 metres wide and to the north east of Newham Hall;
- p. create a wildlife corridor and recreational route along the Marton West Beck valley; and
- q. maximise the use of SuDS in the drainage system and retain the ponds south of Newham Hall Farm.

Grove Hill

- 5.39 The Grove Hill housing allocation consists of two parcels of land that were formerly occupied by low demand social housing. The sites have been cleared and the initial phases of redevelopment at Bishopton Road have been completed, providing 127 modern affordable homes. The site is being developed by Thirteen to provide a range of affordable houses and bungalows. Planning permission for 296 dwellings was granted in April 2021, and work started on the site in June 2023.

Policy HO4c Grove Hill

Land is allocated for the development of approximately 296 dwellings.

Proposals for development of the site should:

- a. provide a mix of housing types and sizes, including bungalows, that complements and enhances the choice and quality of housing in the local area;
- b. provide variations in form, density and character across the site;
- c. provide outward facing frontages onto the Vale, Marton Burn Road and Keith Road;
- d. create focal points on the Vale and Keith Road, through the use of prominent buildings and/or landscaping;
- e. incorporate high quality open space and public realm;
- f. be designed to provide natural surveillance throughout the development to create a safe, crime-free environment;
- g. incorporate footpaths and cycleways that link into the wider network, including the provision of East/West cycle facilities along Keith Road;
- h. creation of a signalised junction at The Vale/Keith Road/Hollyhurst Avenue, with pedestrian and cycle facilities;
- i. contribute towards the cost of sustainable transport infrastructure improvements; and
- j. provide any necessary off-site improvements to school provision to accommodate the educational needs of future residents.

Nunthorpe Grange

- 5.40 The site, which is located to the south and east of existing residential areas of Nunthorpe, will be developed for residential use and a community hub within a high quality environmental setting that will include a park, playing fields and wildlife habitat. A medical centre was completed in 2022 providing a new doctor's surgery and other facilities. The majority of the site was previously in agricultural use along with an area of playing fields centrally located. The site benefits from views to Roseberry Topping and St Mary's Church. A wetland area towards the eastern part of the site is the source of Ormesby Beck.
- 5.41 In December 2018 informal Development Guidance for the site was adopted by the Council. A masterplan is currently under preparation for the site and may lead to changes in the Policy at Publication stage to reflect the outcomes of this exercise.

Policy HO4d Nunthorpe Grange

Land is allocated for the development of approximately 250 dwellings and a community hub.

Proposals for development of the site should:

- a. provide a mix of dwelling types and sizes including family housing, bungalows or low-rise apartments for an ageing population that complement and enhance the choice and quality of housing in the local area in accordance with Policy HO3;
- b. ensure a cohesive range of housing styles are provided across the site;
- c. provide 'accessible and adaptable dwellings' and 'wheelchair accessible dwellings' in accordance with Policy HO3;
- d. provide self-build and/or custom build plots in accordance with Policy HO11;
- e. ensure housing adjacent to open space faces onto the open space and is set back from mature trees to prevent over shadowing;
- f. provide affordable housing in accordance with Policy HO5;
- g. provide a community hub and community garden, community hall or places of worship;
- h. provide enhancement of existing medical facilities;
- i. provide a minimum of 3ha of land as a park /public open space for recreational purposes;
- j. provide landscaped site gateways from the A1043 and Stokesley Road;
- k. provide pocket parks within the development;
- l. retain the existing playing pitches on the site;
- m. create a wildlife habitat area of a minimum of 3.5 ha in the part of the site within Flood Zones 2 and 3;
- n. restrict built development of the site to Flood Zone 1 only;
- o. maximise the use of SuDS and/or de-culvert along watercourses and natural pond areas, where appropriate;
- p. incorporate vistas of Roseberry Topping and St Mary's Church from public open space;
- q. retain and protect mature trees on the site, subject to being in good health;
- r. retain and protect mature hedgerows, where possible;
- s. retain and enhance the planting buffer alongside the A1043 and the railway;
- t. provide the main vehicular access from a single access point on the A1043 designed to incorporate controlled pedestrian and cycleway crossing facilities of the A1043 – no other vehicular access points will be permitted from the A1043;
- u. provide a secondary vehicular access from Stokesley Road serving a smaller quantum of development. Access between Stokesley Road and the rest of the site shall be restricted to cycles and pedestrians only;
- v. provide vehicular access from Guisborough Road to serve a single row of dwellings only, with access between Guisborough Road and the rest of the site restricted to cycles and pedestrians only;
- w. provide a new pedestrian/cycle route within the site boundary alongside the A1043 with appropriate connections into existing infrastructure;
- x. retain and integrate existing footpaths, which should be combined with additional cycle and footpath routes. The existing public right of way running North/South alongside the adjacent playing field land should be relocated and improved to be integrated within the development with natural surveillance;
- y. provide any necessary off-site improvements to transport infrastructure to mitigate the impact of the development; and
- z. provide any necessary off-site improvements to school provision to accommodate the educational needs of future residents.

Former St David's School

- 5.42 The site was previously occupied by St David's School, which was relocated under the Building Schools for the Future programme. The cleared school site and its associated playing fields are located immediately to the west of the historic Avenue of Trees and the Acklam Hall Conservation Area.
- 5.43 The site is an existing housing allocation in the adopted Housing Local Plan and is the subject of a current planning application which has been approved by Planning Committee subject to the signing of a S106 Legal Agreement. The signing of the Agreement was delayed when Natural England issued advice and guidance regarding Nutrient Neutrality (NN). The consequence of this was that the Council could not issue the decision notice until NN mitigation had been provided. This has still to be done. Once the mitigation has been provided and agreed the decision notice will be issued.

Policy HO4e Former St David's School

Land is allocated for the development of approximately 139 dwellings.

Proposals for development of the site should:

- a. provide a mix of dwelling types and sizes, including bungalows and family housing, that complement and enhance the choice and quality of housing in the local area in accordance with Policy HO3;
- b. provide 'accessible and adaptable dwellings' and 'wheelchair accessible dwellings' in accordance with Policy HO3;
- c. provide affordable housing in accordance with Policy HO5;
- d. enhance the setting of the Acklam Hall Conservation Area and the historic Avenue of Trees;
- e. ensure dwellings along the eastern edge of the site face onto the Avenue of Trees;
- f. have vehicular access from St David's Way, which should be sympathetically upgraded, taking into account the adjacent Avenue of Trees, to mitigate the impact of the development;
- g. maintain and enhance existing pedestrian footpath access arrangements from Acklam Road and Hall Drive;
- h. retain the existing mature trees, subject to being in good health;
- i. be designed to take account of surface water flooding issues, whilst ensuring there is no adverse impact on existing residential properties and that opportunities for the use of SuDS are maximised;
- j. provide managed on-street parking facilities recognising the local use of the Avenue of Trees for leisure purposes;
- k. provide off-site improvements to school provision to accommodate the educational needs of future residents;
- l. provide a financial contribution towards the delivery of Mobility Corridor measures on Acklam Road; and
- m. re-provide the playing pitches on a suitable site elsewhere in the Borough.

Hemlington Grange

- 5.44 The housing allocations related to Hemlington Grange consists of four adjacent parcels of land, the main Hemlington Grange site, Hemlington North, Hemlington Grange South and Hemlington Grange West. The site is an existing mixed use allocation in the adopted Housing Local Plan.
- 5.45 The main Hemlington Grange site and Hemlington North has been granted outline planning permission for up to 1,230 dwellings. Taking account of planning permissions granted on Hemlington Grange to date it appears that fewer than 1,230 will be delivered on the main site. Hemlington Grange is within the Stainton and Thornton Neighbourhood Plan area and proposals for development of the site should have regard to the requirements of the Neighbourhood Plan.

Policy HO4f Hemlington Grange

Land is allocated for the development of approximately 608 dwellings. Proposals for development of the site should:

- a. provide a mix of dwelling types and sizes, including medium to low density three and four bedroom detached, semi-detached dwellings, and bungalows that complement and enhance the choice and quality of housing in the local area in accordance with Policy HO3;
- b. provide 'accessible and adaptable dwellings' and 'wheelchair adaptable dwellings' in accordance with Policy HO3;
- c. provide self-build and/or custom build plots in accordance with Policy HO11;
- d. provide residential development in neighbourhoods of identifiable character which provide variety and diversity in layout and design, with neighbourhoods on the southern boundary of the site developed for high value housing;
- e. be designed and laid out to take account of potential noise issues from traffic on Stainton Way;
- f. provide a linking spine road (Hemlington Grange Way) through the site that provides vehicular access from Stainton Way and the B1365 in order to enable bus penetration;
- g. provide a network of footpaths, cycleways and bridleways that link into the wider network;
- h. provide a controlled pedestrian and cycle facilities crossing on Stainton Way;
- i. provide green corridors through the development that link into the wider greenspace network;
- j. create a community park as a focal point of the development;
- k. retain hedgerows where possible;
- l. incorporate water bodies as part of SuDS to help prevent flooding downstream and to create a recreational and ecological resource;
- m. provide any necessary off-site improvements to school provision to accommodate the educational needs of future residents; and
- n. de-culvert water courses within the site where possible.

Transport Infrastructure

As part of the development of Hemlington Grange the following improvements will be required:

- i. widening of Stainton Way from B1365 to Dalby Way;
- ii. widening of the B1365 between Stainton Way and Newham Way;
- iii. provision of improved passenger waiting facilities at bus stops, including real time information systems; and
- iv. enhancement of the existing facilities at the Parkway Centre to increase use of sustainable transport, such as provision of cycle lockers to encourage cycle/bus combined trips.

Hemlington North

- 5.46 The Hemlington North site, which measures 0.7 hectares, was allocated in the Housing Local Plan as part of the wider Hemlington Grange allocation. Hemlington Grange North is within the Stainton and Thornton Neighbourhood Plan area and proposals for development of the site should have regard to the requirements of the Neighbourhood Plan.

Policy HO4g Hemlington North

Land is allocated for approximately 35 dwellings. Proposals for development of the site should:

- a. provide a mix of dwelling types and sizes, which could include low rise apartments semi-detached and terraced properties;
- b. be for affordable housing only;
- c. have dwellings broadly arranged as a perimeter block, which could include a landmark building at the corner of Stainton Way and Stokesley Road;
- d. not exceed three storeys in height other than if a landmark apartment building is provided which should not exceed four and a half storeys;
- e. provide strong boundary treatment on the northern edge to mitigate potential traffic noise from Stainton Way;
- f. provide green amenity space in the centre of the site, which should incorporate SuDS;
- g. retain hedgerows and trees around the boundaries of the site, where possible;
- h. provide vehicular access from Hemlington Village Road only; and
- i. provide a pedestrian and cycle crossing on Stainton Way, in the form of a Toucan crossing and pedestrian/cyclepath links from the site to the adjoining network.

Hemlington Grange South

- 5.47 The site is allocated in the Housing Local Plan as part of the mixed use Hemlington Grange allocation. Hemlington Grange South is within the Stainton and Thornton Neighbourhood Plan area and proposals for development of the site should have regard to the requirements of the Neighbourhood Plan.

Policy HO4h Hemlington Grange South

Land is allocated for approximately 130 dwellings. Proposals for development of the site should:

- a. provide a distinctive neighbourhood of predominantly three and four bedroom detached and semi-detached dwellings including bungalows, of no more than two and a half storeys, that complements and enhances the choice and quality of housing in the local area in accordance with Policy HO3;
- b. provide 'accessible and adaptable dwellings' and 'wheelchair adaptable dwellings' in accordance with Policy HO3;
- c. provide affordable housing in accordance with Policy HO5;
- d. ensure dwellings adjacent to the southern boundary have their primary frontage facing outwards onto the open countryside and are of very high quality design;
- e. ensure dwellings adjacent to open space and tree belts front onto the green infrastructure and are set back from mature landscaping to prevent over shadowing;
- f. retain the linear belt of trees around the northern, eastern and southern boundaries of the site, other than to enable access;
- g. have vehicular access from the Hemlington Grange site to the north only;
- h. provide a multi-user route for pedestrians, cyclists and horse riders through the site that can connect into a wider network planned for south Middlesbrough;
- i. provide a crossing of the B1365 for the multi- user route and a pedestrian and cyclepath link from the crossing through to Coulby Farm Way;
- j. provide north to south pedestrian routes across the site that link in with routes on the wider Hemlington Grange site;
- k. provide green corridors that link into the wider green space network;
- l. provide a local area park as an integral part of the overall design and landscape strategy;
- m. provide any necessary off-site improvements to school provision to accommodate the educational needs of future residents; and
- n. incorporate SuDS devices within the landscape strategy.

Development should contribute to the transport infrastructure required as part of Policy HO4f.

Hemlington Grange West

- 5.48 The site is currently allocated in the Housing Local Plan as part of the Hemlington Grange mixed use allocation. The site provides an opportunity to provide a new Local Centre to serve the new and existing residents at Hemlington Grange. Hemlington Grange West is within the Stainton and Thornton Neighbourhood Plan area and proposals for development of the site should have regard to the requirements of the Neighbourhood Plan.

Policy HO4i Hemlington Grange West

Land is allocated for approximately 170 dwellings and a new Local Centre. Proposals for development of the site should:

- a. provide a mix of dwelling types and sizes, including bungalows, that complements and enhances the choice and quality of housing in the local area in accordance with Policy HO3;
- b. provide 'accessible and adaptable dwellings' and 'wheelchair adaptable dwellings' in accordance with Policy HO3;
- c. provide residential development in a neighbourhood of identifiable character;
- d. provide affordable housing in accordance with Policy HO5;
- e. provide an appropriately scaled Local Centre;
- f. be designed and laid out to take account of potential noise issues from traffic on Stainton Way;
- g. take vehicular access from Hemlington Grange Way, whilst incorporating access to the adjacent Holme Farm allocation for vehicles, pedestrians and cyclelists;
- h. provide footpaths that link into the wider network;
- i. ensure dwellings adjacent to open space and tree belts front onto the green infrastructure and are set back from mature landscaping to prevent over shadowing;
- j. retain hedgerows where possible;
- k. provide a green corridor that incorporates the existing SuDS pond and links into the wider greenspace network; and
- l. provide any necessary off-site improvements to school provision to accommodate the educational needs of future residents.

Development should contribute to the transport infrastructure required as part of Policy HO4f.

Ford Close Riding Centre

- 5.49 The site is currently occupied by a private riding school with associated structures, fields used for horse grazing, a dwelling and a block of mature deciduous woodland that is protected by a Tree Preservation Order. The site, which is already a housing allocation in the adopted Housing Local Plan, is to the south of an existing residential area and to the north and west of the Grey Towers Village housing development that is currently under construction. It is also in close proximity to the Middlesbrough Golf Club. The site is within the Marton West Neighbourhood Plan area and proposals for development of the site should have regard to the requirements of the Neighbourhood Plan.

Policy HO4j Ford Close Riding Centre

Land is allocated for the development of approximately 45 dwellings.

Proposals for development of the site should:

- a. provide a residential development that integrates well with the high quality housing and environment of the surrounding area;
- b. provide a mix of dwelling types, including high value houses and bungalows in accordance with Policy HO3;
- c. provide 'accessible and adaptable dwellings' in accordance with Policy HO3;
- d. provide affordable housing in accordance with Policy HO5;
- e. provide open space and retain and integrate existing mature trees and hedgerows, where possible, including the retention of the existing woodland adjacent to the watercourse to the south west of the site;
- f. provide vehicle access from Brass Castle Lane only, with no vehicle access from the northern frontage of the site other than to the existing dwelling;
- g. provide any necessary off-site improvements to transport infrastructure to mitigate the impact of the development;
- h. relocate the existing derestricted / 30 mph boundary with associated gateway scheme to highlight the change in nature of Brass Castle Lane at the proposed site access and reinforce the change in speed limit;
- i. provide pedestrian and cycleway links to improve connectivity with adjoining residential areas including crossing facilities; and
- j. provide a financial contribution for improvements to school provision to accommodate the educational needs of future residents.

Proposals should also take into account requirements of Policy MW4 of the Marton West Neighbourhood Plan.

Hemlington Lane

- 5.50 The proposed housing allocation comprises 1.2 ha of open space, approximately two thirds of which is covered by trees. The site is located within Kader Ward. The site is the subject of a current planning application, 23/0544/MAJ, for 18 dormer bungalows.

Policy HO4k Hemlington Lane

Land is allocated for the development of 18 dwellings.

Proposals for development of the site should:

- a. provide a mix of dwelling types and sizes, including bungalows, that complements and enhances the choice and quality of housing in the local area in accordance with Policy HO3;
- b. provide 'accessible and adaptable dwellings' in accordance with Policy HO3;
- c. provide affordable housing in accordance with Policy HO5;
- d. not exceed two storeys in height;

- e. be designed to take account of potential noise pollution from the A174 and Ladgate Lane;
- f. provide vehicular access from Hemlington Lane;
- g. take account of surface water flood risk in the eastern part of the site and maximise opportunities for the use of SuDS across the site;
- h. provide compensatory tree planting both on and off-site to mitigate for the loss of existing trees on the site;
- i. provide any necessary off-site improvements to school provision to accommodate the educational needs of future residents; and
- j. provide any necessary off-site improvements to transport infrastructure to mitigate the impact of development, including a new footpath along Hemlington Lane that connects to a new signalised pedestrian crossing of Ladgate Lane.

Land East of Driving Range

- 5.51 The proposed allocation comprises 3.91 ha of land within the Municipal Golf Centre in Ladgate Ward. The site consists of an area used as a practice range, bordered by trees and woodland. The practice range area of the site will be developed for housing with retention of the tree cover around the boundaries of the site.

Policy HO4I Land East of Driving Range

Land is allocated for the development of approximately 77 dwellings.

Proposals for development of the site should:

- a. provide a mix of dwelling types and sizes, including bungalows, that complements and enhances the choice and quality of housing in the local area in accordance with Policy HO3;
- b. provide 'accessible and adaptable dwellings' in accordance with Policy HO3;
- c. provide variations in form, density and character across the site;
- d. provide affordable housing in accordance with Policy HO5;
- e. not exceed two and a half storeys in height;
- f. achieve satisfactory vehicle access to Ladgate Lane;
- g. incorporate open space and retain the woodland and trees around the boundaries of the site, subject to being in good health, other than where access points are required;
- h. prepare an open space strategy to ensure that existing woodland will be retained and work undertaken to secure its long-term well being;
- i. provide enhancements to Marton West Beck;
- j. provide pedestrian and cycleway links to connect the development with the shared footpath/cycle path along Ladgate Lane;
- k. provide footpath routes through the woodland areas and around the boundaries of the site;
- l. provide any necessary off-site improvements to transport infrastructure to mitigate the impact of development;
- m. provide any necessary off-site improvements to school provision to accommodate the educational needs of future residents;

- n. provide an outward facing development with dwellings adjacent to the northern, western and southern boundaries of the site fronting onto these areas; and
- o. maximise opportunities for the use of SuDS.

Coulby Farm Way

- 5.52 The proposed allocation comprises two parcels of open space on either side of Coulby Farm Way within Coulby Newham Ward. Coulby Farm Way East covers 0.47 ha and Coulby Farm Way West covers 0.43 ha. The sites will be developed for housing.

Policy HO4m Coulby Farm Way

Land is allocated for the development of approximately 6 dwellings at Coulby Farm Way East and approximately 11 dwellings at Coulby Farm Way West.

Proposals for development of the Coulby Farm Way East site should:

- a. provide a mix of dwelling types and sizes that complements and enhances the choice and quality of housing in the local area;
- b. not exceed two storeys in height;
- c. retain the bunded area as open space;
- d. retain existing trees, subject to being in good health;
- e. provide an outward facing development, with dwellings adjacent to the boundaries of the site fronting onto the adjoining footpaths; and
- f. provide any necessary off-site improvements to school provision to accommodate the educational needs of future residents.

Proposals for development of the Coulby Farm Way West site should:

- g. provide a mix of dwelling types and sizes, including bungalows, that complements and enhances the choice and quality of housing in the local area in accordance with Policy HO3;
- h. provide 'accessible and adaptable dwellings' in accordance with Policy HO3;
- i. provide affordable housing in accordance with Policy HO5;
- j. not exceed two storeys in height;
- k. retain the existing large oak tree and the trees on the Crossfields frontage, subject to being in good health and retain the other trees on the site where possible;
- l. provide compensatory tree planting for any removed trees;
- m. provide an outward facing development with dwellings adjacent to the boundaries of the site fronting onto the adjoining footpaths; and
- n. provide any necessary off-site improvements to school provision to accommodate the educational needs of future residents.

Land West of Cavendish Road

- 5.53 The proposed allocation site comprises 0.84 ha of grassed open space within Longlands and Beechwood Ward. The site will be developed as two parcels of housing, with the central part of the site retained as open space. The site is in a location where an affordable housing contribution will not be sought on viability grounds.

Policy HO4n Land West of Cavendish Road

Land is allocated for the development of approximately 16 dwellings.

Proposals for development of the site should:

- a. provide a mix of dwelling types and sizes, including bungalows, that complements and enhances the choice and quality of housing in the local area in accordance with Policy HO3;
- b. provide 'accessible and adaptable dwellings' in accordance with Policy HO3;
- c. not exceed two storeys in height;
- d. retain and enhance an area of open space of approximately 0.2 ha in the central part of the site that links into adjacent open space to the west of the site;
- e. retain existing trees, subject to being in good health;
- f. retain and enhance pedestrian links through the site and around the boundaries of the site;
- g. provide any necessary off-site improvements to school provision to accommodate the educational needs of future residents; and
- h. provide an outward facing development, with dwellings adjacent to the boundaries of the site and/or adjacent to areas of open space fronting onto these areas.

Land North of Low Lane

- 5.54 The site is located to the west of Stainton and north of Low Lane, and includes land at Stainton Vale Farm, the Sporting Lodge and Plum Tree Farm. The majority of the site is used as farmland and horse stabling / grazing, but also includes the Sporting Lodge Inn, listed farm buildings and a small number of residential dwellings.
- 5.55 The site provides an opportunity to create a sustainable urban extension with its own distinct character within a landscaped setting. The site is within the Stainton and Thornton Neighbourhood Plan area and proposals for development of the site should have regard to the requirements of the Neighbourhood Plan.

Policy HO4o Land North of Low Lane

Land is allocated for the development of approximately 700 dwellings and the development of a new Local Centre.

Proposals for development of the site should:

- a. create residential development in neighbourhoods of identifiable character which provide variety and diversity in layout and design;
- b. provide a mix of dwelling types and sizes, including bungalows, in accordance with Policy HO3;
- c. provide 'accessible and adaptable dwellings' and 'wheelchair adaptable dwellings' in accordance with Policy HO3;
- d. provide self-build and/or custom build plots in accordance with Policy HO11;
- e. provide affordable housing in accordance with Policy HO5;

- f. establish a new local centre around the Sporting Lodge, including retail facilities to serve the new and existing residents of Stainton;
- g. ensure that the site layout preserves the character and appearance of the setting of the Grade II listed structures, Stainton Vale Farmhouse, Dove Cotes and Outhouse;
- h. ensure that none of the development is located over or immediately adjacent to the route of the Northumbrian Water trunk main and raw water main;
- i. restrict built residential development to the part of the site within Flood Zone 1;
- j. be designed to take account of surface water flooding issues, whilst ensuring there is no adverse impact on existing residential properties and that opportunities for the use of SuDS are maximised;
- k. provide a new or upgraded vehicle access from the B1380, ideally provided as a signal controlled four arm junction arrangement with Strait Lane;
- l. include an internal road layout that permits bus penetration through the site;
- m. provide any necessary off-site improvements to transport infrastructure, including safety improvements to the B1380, to mitigate the impact of the development and contribute towards the provision of a sustainable transport corridor with potential linkages to the Stainsby housing allocation;
- n. work with National Highways, and adjacent landowners, to secure use of the accommodation overbridge over the A174 to deliver a link restricted to public transport, walking and cycling, which will link Stainton and surrounding areas to Stainsby and onward to Mandale via the Stainton Way Western Extension;
- o. provide a pedestrian and cycle route alongside the B1380 within the development which links the junction of A1045/B1380 Low Lane with an improved signalised junction incorporating Toucan facilities at the junction of Stainton Way/B1380/A1044;
- p. retain the Plum Tree Pasture Local Wildlife Site and contribute to its enhancement;
- q. provide any necessary off-site improvements to school provision to accommodate the educational needs of future residents;
- r. provide pedestrian and cycleway links through the development and improved safe pedestrian and cycle linkages with the existing communities of Stainton and Thornton;
- s. improve access to the adjacent community woodland;
- t. deliver a high quality landscape setting with significant areas of new woodland planting to act as a buffer between the site and the A19, A174, and adjoining farmland and that integrates with the development to draw the surrounding countryside into the residential areas; and
- u. retain existing mature trees and hedgerows where possible.

Holme Farm

- 5.56 The proposed allocation site comprises 19.8 ha of farmland within Stainton and Thornton Ward. The site is located to the west of the existing Hemlington Grange allocation. The site will predominantly be developed for housing, along with a primary school. The site is within the Stainton and Thornton Neighbourhood Plan area and proposals for development of the site should have regard to the requirements of the Neighbourhood Plan.

Policy HO4p Holme Farm

Land is allocated for the development of approximately 430 dwellings.

Proposals for development of the site should:

- a. provide a mix of dwelling types and sizes, including bungalows, that complements and enhances the choice and quality of housing in the local area in accordance with Policy HO3;
- b. provide 'accessible and adaptable dwellings' and 'wheelchair adaptable dwellings' in accordance with Policy HO3;
- c. provide variations in form, density and character across the site;
- d. should not exceed two and a half storeys in height;
- e. provide affordable housing in accordance with Policy HO5;
- f. provide self-build and/or custom build plots in accordance with Policy HO11;
- g. provide a primary school when the need arises and provide financial contributions to improve off-site secondary school provision to accommodate the educational needs of future residents;
- h. achieve satisfactory vehicle access to Stainton Way and Hemlington Grange West;
- i. provide any necessary off-site improvements to transport infrastructure to mitigate the impact of development;
- j. incorporate a landscaped buffer zone of open space to the south of the Grade II* listed Stainton Grange and garden walls and be designed to sustain or enhance these heritage assets;
- k. incorporate a landscaped buffer zone of open space along the southern boundary of the site adjacent to Stainton Beck;
- l. provide an equipped play area;
- m. provide pedestrian and cycleway links in the form of green links throughout the development to improve connectivity, including links to the Hemlington Grange site to the east and links to the public rights of way to the east and west of the site;
- n. provide an outward facing development, with dwellings adjacent to the boundaries of the site and/or adjacent to areas of open space fronting onto these areas;
- o. retain the existing mature trees, subject to being in good health;
- p. retain and enhance the existing hedgerows other than where access points are required; and
- q. maximise opportunities for the use of SuDs.

Land at Stainsby Road

- 5.57 The proposed allocation comprises 2.1 ha of open space at the western end of Stainsby Road, within Ayresome Ward. The site is in a location where an affordable housing contribution will not be sought on viability grounds. While the site is expected to come forward for housing development, discussions have been ongoing between the Council and the Department of Education about the use of the site for a school. At this stage, given that discussions are ongoing, the site is allocated for both housing and school use.

Policy HO4q Land at Stainsby Road

Land is allocated for the development of either new housing or for a school.

All proposals for development of the site should:

- a. provide variations in form, density and character across the site;
- b. not exceed two storeys in height;
- c. be designed to take account of potential noise pollution from the A19;
- d. take account of surface water flood risk in the south west corner of the site and maximise opportunities for the use of SuDS across the site;
- e. take account of the presence of a medieval boundary ditch along the south west boundary that is recorded in the historic environment records;
- f. provide pedestrian and cycleway links to connect the development with the shared footpath/cycle path to the west of the site;
- g. provide compensatory planting to take account of the removal of on-site saplings; and
- h. provide any necessary off-site improvements to transport infrastructure to mitigate the impact of development.

In addition, proposals for housing will be expected to deliver approximately 47 dwellings and:

- i. provide a mix of dwelling types and sizes, including bungalows, that complements and enhances the choice and quality of housing in the local area in accordance with Policy HO3;
- j. provide 'accessible and adaptable dwellings' in accordance with Policy HO3;
- k. provide an outward facing development with dwellings adjacent to the western boundary of the site fronting onto the adjacent footpath / cycle path and open space;
- l. be accessed from Stainsby Road; and
- m. provide any necessary off-site improvements to school provision to accommodate the educational needs of future residents.

Affordable housing

- 5.58 The delivery of a good supply and range of high quality affordable dwellings is essential in providing choice for those in housing need and contributing to the achievement of balanced and sustainable communities.
- 5.59 Middlesbrough's Local Housing Needs Assessment identifies an affordable housing need for 4,432 households.
- 5.60 It would not be economically viable to require private sector housebuilders to provide this level of affordable housing within developments. Within the northern areas of Middlesbrough it is recognised that it is not economically viable for private sector housebuilders to provide affordable housing. A significant number of affordable homes will, however, be delivered in the north of the borough by Registered Providers, where 100% of the dwellings will be affordable.
- 5.61 With this in mind, the Council will only seek to achieve affordable housing contributions on sites of 10 dwellings or more within the more southerly wards of the borough.

Policy HO5 Affordable Housing

On residential developments of 10 or more homes, within the wards of Acklam, Coulby Newham, Hemlington, Kader, Ladgate, Marton East, Marton West, Nunthorpe, Stainton & Thornton, and Trimdon, a minimum of 15% of the homes will be required to be affordable unless the development is for the conversion or reuse of vacant buildings. The number of affordable dwellings required will be rounded up to the nearest whole dwelling number. On residential developments elsewhere the provision of affordable housing will be encouraged.

Of the affordable homes, 25% should be provided as First Homes. In addition, a minimum of 10% of the total number of homes on site shall be provided as affordable home ownership. First Homes can count towards the provision of affordable home ownership.

Exemptions to the 10% requirement for affordable home ownership will be made where the proposed development:

- a. provides solely for build to rent homes;
- b. provides specialist accommodation for a group of people with specific needs;
- c. is for custom build housing; or
- d. is exclusively for affordable housing.

In developments of 100 or more dwellings, after taking account of the above requirement for affordable home ownership, the remaining affordable housing requirement should be provided as approximately half social rent and half affordable rent.

All of the affordable housing should be provided on-site, be indistinguishable in appearance from the market housing and be grouped in clusters spread throughout the site in order to help achieve mixed and balanced communities. Off-site provision of affordable housing or a financial contribution (of the same value) to provide affordable housing will, however, be considered in the following exceptional circumstances:

- e. the developer undertakes to deliver the affordable housing on an alternative site within the borough and can demonstrate that the proposed approach contributes to the creation of mixed and balanced communities; or
- f. there is an alternative site identified by the Council upon which a financial contribution could be spent to provide affordable housing which would assist with regeneration and the creation of mixed and balanced communities.

Where an applicant does not propose to deliver the full affordable housing requirement they will need to submit a Planning Practice Guidance compliant financial viability assessment to demonstrate that the affordable requirement would make the scheme financially unviable. This assessment will be made publicly available along with all other documents supporting the planning application.

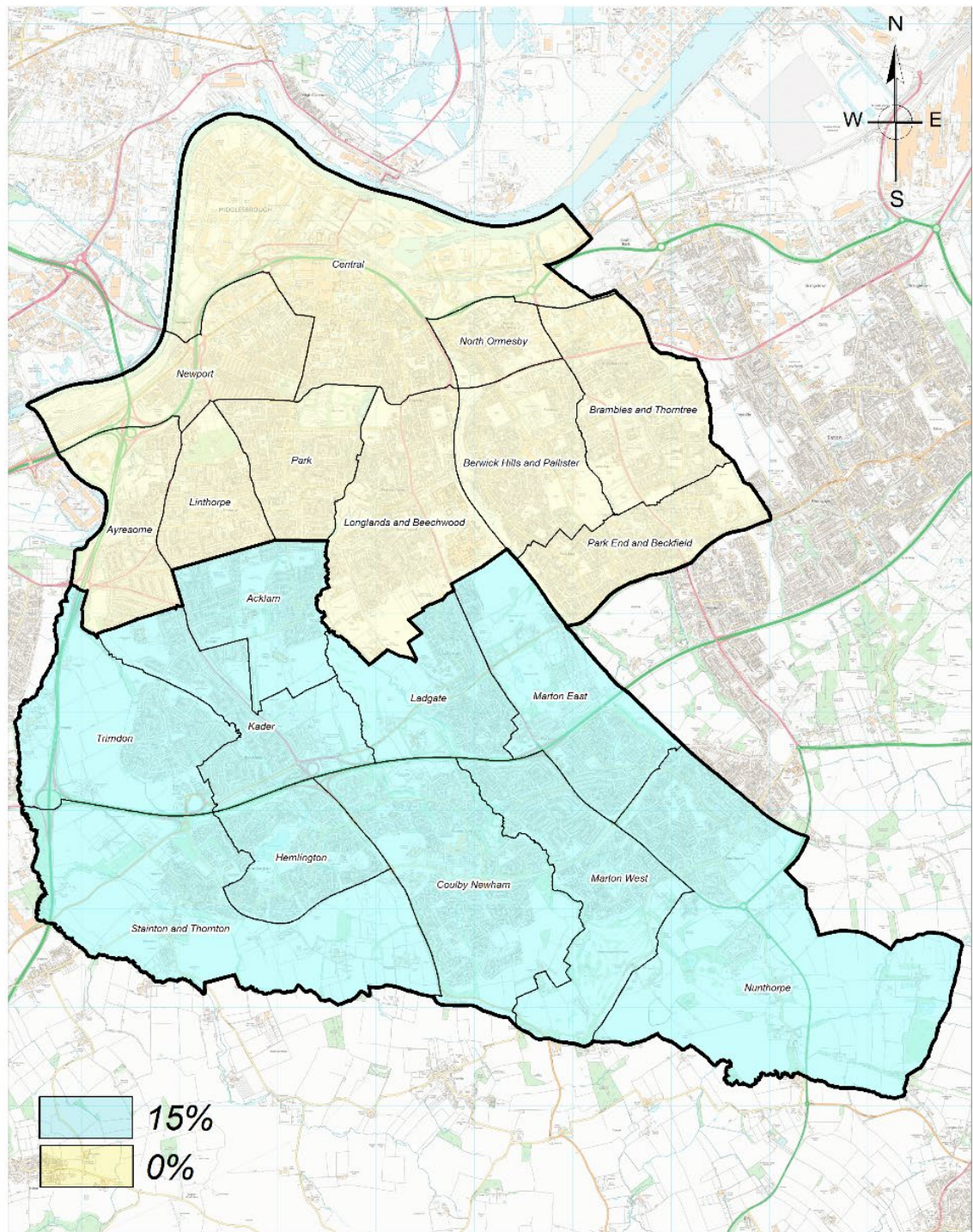


Figure 5 - Affordable Housing Requirement

Gypsy, Traveller and Travelling Showpeople

- 5.62 The Government's Planning Policy for Traveller Sites requires that local plans identify the housing needs for the travelling community, and meet these needs in a way that both facilitates the traditional and nomadic way of life of travellers whilst respecting the interests of settled communities.
- 5.63 Middlesbrough currently has one public site for Gypsy and Travellers at Metz Bridge, containing 20 pitches (although 3 of these are currently not in use) and one private Travelling Showpeople yard at North Ormesby, with nine plots.
- 5.64 The Middlesbrough Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2023) identified that there will be a need for an additional three plots to meet the future needs for Travelling Showpeople. This will be accommodated on land adjacent to the existing site.
- 5.65 The GTAA also found that there is a need for 14 additional pitches to meet the needs of Gypsies or Travellers during the plan period. This need cannot be met on the existing site and therefore will need to be met on a new site, which is identified at Land at Teessaurus Park.
- 5.66 Proposals will need to retain public access to the undeveloped part of Teessaurus Park which includes a Local Wildlife Site and to the River Tees. Proposals will also need to retain public access to the dinosaur sculptures, this could either be on site, within the undeveloped part of Teessaurus Park or by relocating the sculptures to a suitable alternative location which could include a park or open space.

Policy HO6 Gypsy, Traveller and Travelling Showpeople Accommodation

Land at Metz Bridge will be safeguarded for use as a Gypsy and Traveller site.

Additional land is allocated at Land at Teessuarus Park to meet the identified need for additional pitches by 2041. Proposals for future provision should:

- a. seek to main public access to the undeveloped part of the site including the Local Wildlife Site and the River Tees; and
- b. retain the dinosaur sculptures on site or relocate them to a suitable alternative location to enable continued public access.

Land at North Ormesby will be safeguarded as a Travelling Showpeople site. Land adjacent to the existing North Ormesby Travelling Showpeople site is allocated to meet additional need by 2041.

Where need for pitches cannot be met by existing provision, or through allocated sites, proposals for Gypsy and Traveller sites or Travelling Showpeople sites elsewhere in the borough will be approved where they accord with relevant policies of the Local Plan, and providing they:

- c. have suitable and adequate highway access, provision for turning and servicing;
- d. have adequate parking provisions in accordance with adopted standards;
- e. are conveniently located for access to schools, health and other facilities, without placing undue pressure on such local infrastructure;

- f. will not have a significant detrimental effect on the amenity of occupiers of adjoining or nearby properties;
- g. are adequately screened and landscaped to maintain visual amenity, and provide sufficient privacy and security, without isolating travelling communities from settled communities;
- h. are not located in an area at risk of flooding;
- i. are not located where they may be subject to unacceptable pollution from noise, dust, fumes or smell, or potential nuisance or hazard created by existing or approved commercial or industrial activities; and
- j. if required, are large enough to accommodate mixed or separate residential and business uses, and additional parking space for extra caravans, cars and lorries.

Any proposals for the development of the existing Gypsy and Traveller site at Metz Bridge or Travelling Showpeople yard at North Ormesby for alternative uses will not be permitted unless it can be demonstrated that there is no longer a local need for the provision, or an alternative site of equivalent or larger size and quality can be provided.

Space standards for residential uses

- 5.67 In relation to residential development, homes must be designed to meet the demands of everyday life, providing adequate space and facilities to enable residents to live comfortably and conveniently. It is therefore, important to plan for the achievement of high quality and inclusive design for all development, including individual buildings.
- 5.68 Housing developments should be of the highest quality internally, externally and in relation to their local context. All new housing should have sufficient internal and amenity space to cater for a variety of different household needs, with the aim of promoting high standards of liveability, accessibility and comfort. The standards outlined below are the nationally described space standards, and will be applied to residential proposals.

Policy HO7 Space Standards for Residential Uses

All new residential development, including change of use or conversions (see Policy HO8), will be required to ensure that the internal layout and size are suitable to serve the amenity requirements of future occupiers and will be expected to comply with the Nationally Described Space Standards (NDSS), as set out in Appendix 8.

Conversion and Sub-Division of Buildings for Residential Uses

- 5.69 The conversion and sub-division of buildings for residential use can help contribute to the provision of additional, smaller residential dwellings to meet local needs. However, in established residential areas, it can also lead to the loss of much needed family housing. Where multiple properties in close proximity are changed through conversion, the character of an area has the potential to fundamentally change. Proposals for such development will, therefore, be considered within the context of the impact they would have on the character of the area and whether it would result in the oversupply or unacceptable loss of particular dwelling types.

- 5.70 Whilst much of the existing dwelling stock may be appropriate for conversion, there are many types of building that do not lend themselves to sub-division due to their original size and design. As such, development needs to be carefully managed to ensure it results in good quality living accommodation for future occupiers, and does not lead to unacceptable impacts for other residents living nearby. Planning applications will need to demonstrate that the buildings are capable of being sub-divided in such a way that results in an acceptable standard of accommodation.
- 5.71 The size of the proposed units will be considered against nationally-described space standards (see Policy HO7) and the impact that the proposal would have on the amenity of nearby properties. Layouts should be designed to retain/achieve a reasonable standard of amenity for existing and future occupiers (e.g. avoiding ground floor bedrooms located directly onto pavements), achieve vertical 'stacking' wherever possible (i.e. similar room types above/below each other), as well as horizontal alignment of similar rooms to reflect the nature of such rooms and any associated noise/impact transference.
- 5.72 Space for waste and recycling receptacles must be incorporated into the scheme so that they are located close enough to serve the new dwellings and, at the same time, suitably distanced away from windows and away from public views from the street. Provision should also be made for covered and secure cycle storage.
- 5.73 Sub-dividing buildings and existing houses into smaller dwellings can lead to an increased demand for vehicle parking. Provision should be made for off-street parking wherever possible, in line with the standards set out in the Tees Valley Design Guide and Specification. In circumstances where this is not possible, proposals will only be acceptable if there is sufficient opportunity for on-street parking and/or the location of the scheme means a reduced level of parking provision would be appropriate. In all circumstances, development must not result in a situation that would compromise the safety of highway users, notably affect the free flow of traffic or add to an already high demand for on street parking, as these will serve to lower the quality and experience of living within that area, and design in problems for future residents and users.
- 5.74 Matters such as noise transference and fire safety are controlled separately by Building Control legislation, although these matters may need to be considered at the planning application/design stage to ensure acceptable standards of accommodation for existing and future occupiers.
- 5.75 Conversion of properties where there is shared communal space can often raise issues where bins, cycles and communal outdoor space are located relative to windows within the property, which can in turn lead to direct, long term privacy and amenity issues for residents, particularly those at ground floor level. Any ground floor windows onto communal space should be carefully considered to ensure the scheme does not prevent future residents achieving a reasonable level of privacy and amenity.

Policy HO8 Conversion and Sub-Division of Buildings for Residential Use

The conversion and sub-division of buildings for residential use, including existing dwelling houses into smaller residential units, will be allowed in the following circumstances:

- a. the building is capable of providing the number of units or use proposed to an acceptable standard of accommodation providing adequate levels of privacy, and

- internal and external amenity space for existing and future residents, and by meeting the Council's space standards for residential uses (see Policy HO7);
- b. the proposed use would not lead to an unacceptable change in the character of the area;
- c. the proposed development would not exacerbate any shortage or oversupply of particular sizes and types of dwellings in the local housing stock;
- d. the amenity of nearby properties will not be unduly affected as a result of the development;
- e. adequate provision for vehicle parking, cycle storage, servicing, refuse, recycling arrangements and, where appropriate, the management and maintenance of the property can be demonstrated through the submission of a management plan; and
- f. the proposal would not give rise to conditions prejudicial to highway safety.

Conversion to multiple flats or student accommodation will not be supported where there is insufficient provision of in-curtilage parking or where there is an already significant demand for on street parking by surrounding properties, unless there is a good supply of nearby public parking provision.

Conversion of properties to provide student or communal living space will be considered against these criteria, taking into account the nature of the proposal and its location relative to the demand which it would be serving.

Houses in Multiple Occupation

- 5.76 A House in Multiple Occupation (HMO) is defined under planning legislation as a house or flat occupied by a certain number of unrelated individuals who share basic amenities and is classified by the Uses Classes Order as Class C4 (between three and six residents); and Sui Generis (more than six residents). Planning permission is not required for changes of use from Class C3 (residential) to Class C4 (HMO) unless an Article 4 Direction has been made for a particular area. Middlesbrough Council is in the process of designating an Article 4 Direction for HMO development in Middlesbrough (with the exception of the MDC area).
- 5.77 HMOs can provide accommodation for a wide range of groups including professionals, students, migrants, and people on low incomes. In Middlesbrough, there is a strong HMO market in central Middlesbrough, predominantly focused on the student sector, but also catering for other groups who need single person accommodation at low cost. More recently, concerns have been raised about the growth in HMOs in other areas, such as Linthorpe, North Ormesby and Ayresome.
- 5.78 HMOs provide a form of low-cost housing, particularly for students, younger people and people on low-incomes. They provide flexible accommodation for people with short-term housing requirements. This includes people in-between properties, people employed on short-term contracts and people who are saving to purchase a home. They also provide housing for people that simply prefer to live with large numbers of other people, such as friendship groups. Given the limited number of purpose-built private rented HMOs in the borough, the sector is likely to be reliant on conversion of existing properties.

- 5.79 Notwithstanding their importance in meeting housing needs, poor quality HMOs, or an over-concentration of them, can have significant negative impacts and have caused concern to local residents and Members. These concerns include: transient populations; anti-social behaviour; noise and nuisance; changing character of an area; living conditions and property standards; impact on parking and highways; mismanagement of waste; and poorly maintained properties and gardens. This can impact the lives of their sometimes more vulnerable occupants and their surrounding neighbourhoods. In addition, landlords are often better placed to acquire properties than local families, thus undermining the ability of larger family households to meet their needs.
- 5.80 Development for HMOs will need to demonstrate that they would not have a detrimental effect on the character and function of the locality, its local amenity or neighbouring properties. When considering whether there is an over concentration of HMO properties within the locality, the Council will consider each proposal on its individual merits, taking account of the number of existing HMOs (where possible), clustering and the character of the area. As shared accommodation tends to provide smaller living accommodation than single dwelling houses, particular attention will be given to ensure that a good standard of amenity is in place for future occupiers of the HMOs. The Council will require development proposals to retain acceptable levels of privacy and protect amenity.

Policy HO9 Houses in Multiple Occupation (HMOs)

To create inclusive, mixed and balanced communities and to protect residential amenity, development for HMOs will be expected to ensure that:

- a. the property is located where increased traffic and activity would not be detrimental to local amenity;
- b. the intensity of use would not adversely affect the character and function of the surrounding area;
- c. the proposal would not be detrimental to the amenities of neighbouring properties by causing undue noise and disturbance;
- d. adequate provision for vehicle parking, cycle storage, servicing, refuse, recycling arrangements and, where appropriate, the management and maintenance of the property can be demonstrated through the submission of a management plan;
- e. the proposal would not result in an over concentration of HMOs within the locality or lead to an unacceptable change in the character of the area; and
- f. the accommodation provides a good standard of well proportioned, useable living space and amenity for occupiers of the HMO.

The conversion to a HMO will not be supported where there is insufficient provision of in-curtilage parking and where there is an already significant demand for on street parking by surrounding properties, unless there is a good supply of nearby public parking provision.

Student accommodation

- 5.81 Teesside University teaches nearly 22,700 students, many of whom live within the borough. The provision of high quality student accommodation in the right location can significantly

impact on the quality of the student experience and on students' perceptions of Middlesbrough as a place to live, work and invest after graduation.

- 5.82 In recent years there has been an increase in new build student accommodation, often providing studio accommodation with en-suite bathrooms and kitchens, along with communal facilities such as a gym, cinema room and laundrette. Many of these new developments are aimed at students' increasing aspirations for a high quality living environment.
- 5.83 New student accommodation should be located within or adjacent to the Town Centre and the University Campus, where facilities and services are easily accessible by walking, cycling and public transport. New student accommodation can help regenerate the Town Centre and assist in creating a vibrant environment. Proposals for development away from the Town Centre and University Campus will need to demonstrate that the site is easily accessible to the University and to everyday facilities needed by students and how the proposal will contribute to the objective of creating sustainable communities and quality places to live.
- 5.84 Demand for student accommodation may change over the lifetime of the building. It is, therefore, important that the design and particularly the internal layout is flexible to enable easy conversion to other residential uses, in order to minimise the risk of the buildings standing vacant in future.

Policy HO10 Student Accommodation

Student accommodation within or adjacent to the University campus and the Town Centre will be permitted provided that:

- a. the development is of a scale and appearance appropriate to its surroundings;
- b. the development provides high quality living accommodation in terms of design, layout, living space and facilities;
- c. the development does not have a significant adverse impact on the amenity of the area and/or to neighbouring residents' amenity;
- d. self contained student accommodation achieves the space standard requirements of Policy HO7. It may be acceptable for specialist student accommodation to be of smaller space standard dependant of the provision of communal facilities;
- e. the proposed development will provide adequate provisions of, and access to, parking (cycle and/or vehicle, as appropriate), refuse storage and collection, and amenity space where deemed necessary; and
- f. the layout of the accommodation is designed in such a way that it is capable of being reconfigured through internal alterations to meet general needs housing in the future if demand for student accommodation were to reduce.

Where proposals for student accommodation are not located within or adjacent to the University campus or the Town Centre as identified in Policy EC8, the applicant will need to demonstrate in addition to criteria (a) to (e) that the proposed location will be easily accessible to the University by foot, cycle and by public transport and will contribute to the creation of sustainable communities and quality places to live.

Self-Build and Custom Build Housing

- 5.85 In accordance with the Self-Build and Custom Housebuilding Act 2015, the Council keeps a register of people seeking to acquire serviced plots of land within the borough in order to build their own homes. The Council is required under the Act to give enough suitable development permissions to meet the identified demand.
- 5.86 At the current time there are two people on the register, which suggests that there is very limited demand for this type of housing. However, where plots of land have become available in recent years for self and custom build housing they have proved popular for those looking to build or commission bespoke homes. As such, there is the potential that demand may increase over the Plan period. This type of housing also has the potential to increase the mix of housing types within a development and to increase the stock of innovative and sustainable homes.
- 5.87 In order that the Council can meet its duty to give enough suitable development permissions for land for self and custom building the provision of a low level of serviced plots will be sought in larger housing developments.
- 5.88 The Council will encourage neighbourhood forums to identify suitable small sites (of less than 10 dwellings) specifically for self-build and custom build housing within their neighbourhood plans.

Policy HO11 Self-build and Custom Build Housing

On sites of 200 dwellings or more at least 1 % of the housing plots should be made available as self-build or custom build plots, subject to the Council's self-build register demonstrating demand for this level of plots.

Each plot shall have access to the public highway and be provided with services for water, electricity, gas, telecommunications, foul drainage and surface water drainage up to the plot boundary.

The plots are to be made available at market value to self-builders or custom builders for a period of not less than 12 months. If the plots are not sold within this time, the requirement to retain the plot for self-build will cease.

Sites where only flatted development, student accommodation or C2 accommodation is proposed, will be exempt from the requirement to provide self-build plots.

6. Green and Blue Infrastructure

Strategic objective

Objective E To protect and enhance our Green and Blue Infrastructure Network

Objective F To ensure that new development is properly served by, and sustainably connected to, new and improved physical, social and environmental infrastructure

Introduction

- 6.1 The Council has declared a Climate Emergency and has set an ambition for Middlesbrough to become carbon neutral by 2039. A high quality natural environment is a key contributor to sustainable development and can support a wide range of biodiversity and contributes to human health and wellbeing.
- 6.2 Green and blue infrastructure (or GBI) is a term used to describe the network of natural and semi-natural features within and between our villages, towns and cities. GBI includes parks and open space but is not limited to the open space network.
- 6.3 It is recognised that high quality green and blue infrastructure can form part of the character of an area, contributes to the quality of place and well-being of its residents and visitors, and can attract investors. New development can also provide opportunities for improving and creating new green and blue infrastructure.
- 6.4 The Council sees the provision of high quality accessible green and blue infrastructure as an increasingly important aspect of creating places that are based on quality environments, which attract real investment and regeneration in terms of quality housing, jobs, skills and visitors.
- 6.5 Provision of good quality open and green space and green links have an important contribution to make in maintaining healthy lifestyles. Health benefits of access to green space can include reduced obesity levels and improved mental health and wellbeing. Open space, footpaths and cycleways provide people with a wide range of opportunities for improving health through sports, walking, cycling, play and other forms of recreation.
- 6.6 Accessibility to open space is seen as a key element to their success and the Government's Environmental Improvement Plan 2023, sets a goal that everyone should live within 15 minutes' walk of a green or blue space.
- 6.7 Middlesbrough's green and blue infrastructure consists of a variety of spaces of differing size, quality and function. These spaces range from the River Tees Corridor, parks with national awarded green flag status (e.g. Albert Park and Stewart Park), green wedges (which are large tracts of mainly undeveloped land), public open spaces, land for sport and recreational activity, allotments and beck valleys. Looking at these assets as a network of green and blue infrastructure can bring both economic and social benefits to the town.

Local Context

- 6.8 In 2020 the Council commissioned a Green and Blue Infrastructure Strategy to help identify opportunities across the borough to protect and enhance GBI, helping to guide the investment and delivery of GBI and its associated benefits. The Strategy sets out a vision for green blue infrastructure in Middlesbrough:

‘By 2037 Middlesbrough will be the greenest town in Tees Valley, and one where regeneration is firmly led by the ‘green and blue’ rather than the ‘grey’. The green and blue infrastructure network will be anchored by the town’s rich industrial and pre-industrial heritage assets, linked together by a mosaic of green spaces at all scales, that helps people reconnect with the natural environment on their doorstep and which tackles the root of health inequalities.

Green routes will make walking and cycling the natural way to travel around the town, and will help to reclaim and green the town’s streets as a public space for gathering with neighbours, and for children to play and travel to school safely.

Middlesbrough will also lead the way regionally as a resilient urban landscape with significantly boosted tree cover, and which is reshaped to make a meaningful contribution to tackling climate change and biodiversity challenges. It will be a town where urban wildlife can thrive by creating bigger, better and more joined up habitats.

Finally, local communities and their efforts will sit at the heart of efforts to shape the network, from school children to volunteer groups and local businesses. By joining up these efforts, change will go beyond isolated projects to create an integrated, landscape-scale regeneration of Middlesbrough’s natural environment’

- 6.9 The Green and Blue Strategy Action Plan identifies 12 priority opportunities for Middlesbrough in respect of green and blue infrastructure. They are:

1. Laying the foundations for Nature Recovery Network
2. A green-blue grid for Middlehaven
3. Station gateway and Middlesbrough ‘low line’
4. Supporting a re-imagining town centre
5. The 15-minute town: enabling walking and cycling
6. Blue corridors: enhancing the beck valleys
7. Building an urban tree network
8. Edible townscape
9. Rethinking urban grassland
10. Network of multi-functional SuDS
11. Green schools
12. Low-traffic neighbourhoods

- 6.10 The Green and Blue Infrastructure Strategy Action Plan also identifies a GBI checklist for new development. This ‘GBI check list’ is designed to guide early discussions regarding both residential and employment-led development schemes in Middlesbrough. This will help to ensure that scheme design aligns with the evidence base and priorities set out in this GBI Strategy. This Checklist can be viewed in Appendix 9.

Policy GR1 Green and Blue Infrastructure

Working with partners the Council will protect and enhance the Green and Blue Infrastructure network in Middlesbrough, through improving, creating and managing multifunctional greenspaces and blue spaces that are accessible, well connected to each other and the wider network. Development should:

- a. incorporate green and blue infrastructure features within their design and to improve accessibility to the surrounding area and wider green and blue infrastructure network;
- b. protect, enhance and restore existing green and blue infrastructure features;
- c. address deficits in local green and blue infrastructure provision where appropriate;
- d. support the provision and management of priority natural habitats and species, including reconnecting habitats;
- e. contribute to nature recovery through delivering and implementing the priorities identified in the Tees Valley Local Nature Recovery Strategy, the Green and Blue Infrastructure Strategy and by achieving Biodiversity Net Gain;
- f. increase opportunities for healthy living;
- g. contribute to climate change mitigation and adaptation measures, including flood risk and watercourse management;
- h. link walking, wheeling and cycling routes, to encourage active travel where possible;
- i. have regard to the requirements of the Green and Blue Infrastructure Strategy Action Plan, including the identified priority opportunities and the GBI checklist for development; and
- j. make contributions towards the establishment, enhancement and on-going management of Green and Blue Infrastructure.

Green Wedges

- 6.11 Green Wedges form a major element of the green infrastructure network across the Tees Valley and are large tracts of mainly undeveloped land and beck valleys which penetrate towards the urban core from the outer suburbs and countryside.
- 6.12 In Middlesbrough Green Wedges fulfil one or more of the following functions and policy aims:
 - i. prevent the merging of urban areas and neighbourhoods, protecting their setting and preserving their separate identity, local character and historic character;
 - ii. provision of an accessible recreational resource, with both formal and informal opportunities, close to where people live, where public access is maximised without compromising the integrity of the Green Wedge.
- 6.13 Green Wedges help to maintain local identity and variety, provide a visual and recreational amenity, form an attractive basis for recreational paths and cycleways and are often of biodiversity and ecological importance, forming an integral component of the town's network of wildlife corridors. Green Wedges are a key element in the Green and Blue Infrastructure network.

- 6.14 Green Wedges may, where appropriate, accommodate new woodland planting or open uses such as SuDS, landscaping and open spaces associated with an adjoining allocated site, provided that they do not harm the separation of urban areas.

Policy GR2 Green Wedges

The Council will protect and enhance Green Wedges. Development within Green Wedges will only be allowed where:

- a. it would not result in physical or visual coalescence of built-up areas;
- b. it would not adversely impact on local character or the separate identity of communities;
- c. it would not adversely impact on recreational opportunities;
- d. it would have a positive impact on biodiversity; and
- e. proposals are in accordance with Policy GR3.

Public Open space provision

- 6.15 Open spaces make a vital contribution to environmental quality, providing 'green and blue', as well as 'hard and soft', infrastructure assets in a network which defines and separates neighbourhoods, gives access to a series of accessible spaces and out to countryside, provides for the recreation and sports needs of residents, supports wildlife, and creates visual variety and interest.
- 6.16 Open space in Middlesbrough includes: parks and public gardens; natural and semi-natural space; becks and the River Tees; outdoor sports facilities; amenity space; play space for children and young people; playing-fields; allotments; community gardens; schools; churchyards and cemeteries; and civic spaces.
- 6.17 Public open space is assessed by the Council as part of its Open Space Needs Assessment (OSNA). The most recent OSNA can be viewed as part of the Local Plan evidence base, and provides an up-to-date assessment of the significant, publicly accessible open spaces identified under various land use categories or 'typologies'. It also assesses these sites for quantity, quality and strategic value of provision. In addition, the Landscape and Heritage Assessment (2016) provides evidence on the value of historic landscapes and green spaces throughout the town.
- 6.18 The Council sees that improving the quality and quantity of, and access to, all types of open space can play an important part in promoting community cohesion, providing opportunities for recreation and play, improving the health and wellbeing of the community, promoting more sustainable development, enhancing the image and vitality of areas, and has the additional environmental benefit of helping to reduce flood risk and the effects of climate change. The Local Plan Policies Map identifies areas of open space sport and recreation for protection.

Amenity open space

- 6.19 While the Local Plan Policies Map identifies larger areas of amenity open space for protection, there are other areas of incidental amenity open space that are too small in size to appear on the Policies Map, which will also be offered protection through the Local Plan. These areas of open space play a valuable role in communities, enhancing the appearance of

the local environment and improving the well-being of local residents. They can provide a setting for buildings, allow for informal leisure activities and provide small wildlife habitats.

Local Green Space

- 6.20 The NPPF has created a designation called Local Green Space (LGS), which can help safeguard green areas of particular importance to local communities. The LGS designation should only be used where the green space is:
- in reasonably close proximity to the community it serves;
 - 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
 - local in character and is not an extensive tract of land.
- 6.21 The Local Plan Policies Map identifies areas of Local Green Space within Middlesbrough which have previously been designated through Neighbourhood Plans. It also includes a new Local Green Space at Metz Bridge. The Council will consider designating further Local Green Spaces through Local Plan preparation and other areas may be identified through the neighbourhood planning process. The Council intends to designate the new Stainsby Country Park as Local Green Space at the earliest opportunity (once it has been provided).

Schools

- 6.22 Land within school grounds has also been included for protection as open space on the Policies Map. While this land maybe not always be accessible to the public, it plays an important role in providing playing fields and contributing to the green setting of an area.

Sports playing pitches and recreational facilities

- 6.23 The Council recognises the benefits and value of participation in sport and physical activity, as well as its contribution to individual and community quality of life. These benefits extend to both younger and older people as participation in sport and physical activity delivers:
- Opportunities for physical activity, and therefore more 'active living'.
 - Health benefits – cardio vascular, stronger bones, mobility.
 - Mental health benefits.
 - Social benefits – socialisation, communication, inter-action, regular contacts, stimulation.
- 6.24 A major influence to encourage greater participation in sport and physical activity in Middlesbrough is the provision and quality of playing pitches and recreation facilities. The NPPF states that local authorities should assess the need to provide sport and recreation facilities and establish where there are quantitative or qualitative deficits or surpluses in provision.
- 6.25 The Council's Playing Pitch Strategy (PPS) identifies the supply and current and future demand for playing pitches within the town. The PPS provides the Council with a clear evidence base and set of recommendations for future outdoor sports facility development across the town, and to assess the demands and needs of local residents. The

recommendations of the PPS have been reflected in the Local Plan including land and facilities being identified on the Policies Map for protection.

Policy GR3 Existing Open Space, Sport and Recreation Facilities

The Council will protect and enhance open space, Local Green Space, and sport and recreational facilities in order to meet community needs and support the health and wellbeing of local communities. The loss of open space, sports or recreational facilities will only be supported where:

- a. there is a proven excess of such provision and the proposed loss will not result in a current or likely shortfall in the Plan period; or
- b. recreational facilities within the site will be enhanced by the proposed development; or
- c. the community would gain greater or equivalent benefit from the provision of alternative open space or recreational facilities within the local area; or
- d. proposals are for the provision of new educational facilities which cannot be located elsewhere due to locational factors; and
- e. in all cases, the loss would not harm the character and appearance of the surrounding area.

Local Green Space

Local Green Space is identified on the Policies Map. A new Local Green Space is identified at Metz Bridge.

A proposal that results in the whole or partial loss of a Local Green Space or would undermine the reasons for its designation will not be supported unless there are very special circumstances, in accordance with national planning policy. Where a site is designated on grounds of recreational value, Local Green Space designation will not preclude development which is operationally required to sustain its recreational value.

Policy GR4 New Open Space, Sport and Recreation Provision

New open space should be integral and central to the design of new developments. Wherever possible, new open space should be provided within new development, alongside links to the wider Green and Blue Infrastructure network, in accordance with Policy GR1.

As part of other allocations and policies in this Local Plan, new open space, sport and recreation facilities will be provided, as follows:

- a. a new country park and playing pitches created as part of the development at Stainsby;
- b. a new park and wildlife area as part of the development at Nunthorpe Grange;
- c. new open spaces and green links as part of development at Hemlington Grange;
- d. a new wildlife corridor as part of development at Newham Hall Farm;
- e. an extension to existing woodland and new landscaping as part of development at Land North of Low Lane;
- f. landscape buffers, a play area and other open space at Holme Farm;
- g. a new open space as part of the development at Ford Close;
- h. new communal open spaces as part of the development at Grove Hill; and

- i. new playing pitches and/or facilities at Southlands Sports Hub.

Planning applications must include a plan detailing the long-term sustainable maintenance and management of any new proposed green infrastructure proposals and how they are to be delivered. Developer contributions may also be sought, as part of a package of measures that contribute to high quality design principles, in the provision or enhancement of open space associated with new development.

Biodiversity and Geodiversity

- 6.26 The term biodiversity includes all statutory and non-statutory designated sites, protected species, priority habitats and species, wildlife corridors, and habitats and species outside designated sites and not identified as a conservation priority but which are considered locally important including water-dependent, aquatic and marine habitats and species. Geodiversity relates to the variety of rocks, minerals, fossils, landforms, sediments and soils, together with the natural processes that form and alter them, which are considered nationally or locally important. Linking both biodiversity and geodiversity is the concept of natural capital. Natural capital can be defined as the world's stocks of natural assets which include geology, soil, air, water and all living things. It is from this natural capital that we all derive a wide range of benefits (or services), often called ecosystem services, which make human life possible. The importance of natural capital is that development should deliver improvements to the economic, social and environmental conditions in the area meeting the challenges of climate change and protecting and enhancing the provision of ecosystem services. In order to help deliver sustainable development, new development should ideally secure net environmental enhancement (i.e. overall gains in natural capital).

Biodiversity Net Gain

- 6.27 National planning policy states that development should deliver a net gain in biodiversity. The Environment Act 2021 sets out a mandatory requirement for development to deliver at least a 10% biodiversity net gain and approval of a biodiversity net gain plan. Biodiversity net gain means leaving the natural environment in a measurably better state than before, and is central to delivering nature's recovery and increasing stocks of natural capital. Net gain should deliver genuine additional improvements for biodiversity by creating or enhancing habitats in association with development. Such improvements should go beyond any required mitigation and/or compensation measures following the application of the mitigation hierarchy. As part of delivering net gains for nature, development proposals will be expected to protect, provide and extend green and blue infrastructure in accordance with Policy GR1 Green and Blue Infrastructure. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures, or, as a last resort, through the purchase of statutory biodiversity credits. Development proposals can, for example, provide a net gain in biodiversity on-site through the enhancement of the existing features of the site, the creation of additional habitats or the linking of existing habitats to reduce fragmentation in the local ecological network.

Local Nature Recovery Strategy

- 6.28 Local Nature Recovery Strategies (LNRS) were introduced in the Environment Act 2021 to:
- support efforts to recover nature across England;

- help planning authorities incorporate nature recovery objectives;
 - support the delivery of Biodiversity Net Gain; and
 - help deliver the governments national environment targets.
- 6.29 Within the Tees Valley, the Tees Valley Combined Authority (TVCA) are the Responsible Authority for the preparation and publication of a LNRS for the Tees Valley. They will work with other organisations and partners in the area to agree priorities for nature recovery in the region including Middlesbrough Council.

Middlesbrough Context

- 6.30 In Middlesbrough the natural environment includes a wide variety of biodiversity assets including Special Protect Areas, Sites of Special Scientific Interest, Local Wildlife Sites, Local Nature Reserves, Beck Valleys and the River Tees. Middlesbrough is characterised by a number of becks within small valleys that arise in the escarpment in the south of the borough and flow northwards to the River Tees, providing fingers of natural habitat that link the urban area with the open countryside to the south. Most of the priority habitat and species within Middlesbrough falls within these beck valleys.

International/European sites

- 6.31 The EU Habitats Directive and Birds Directive form the basis for the 'Natura 2000' network of conservation sites. In this country, these sites are designated as Special Protection Areas (SPA) or Special Areas of Conservation and are given statutory protection. Within the Middlesbrough boundary is the Teesmouth and Cleveland Coast SPA which is also a 'Ramsar' site and has international protection. The Teesmouth and Cleveland Coast Special Protection Area (the SPA) is a complex of discrete coastal and wetland habitats centred on the Tees estuary.
- 6.32 Previous Habitat Regulation Assessments have identified that employment and residential development could have a likely effect on the Teesmouth and Cleveland Coast SPA in terms of air pollution and increased recreational disturbance. Developments that are considered to have significant effect on the integrity of the SPA will be required to contribute to mitigation measures.

National Sites

- 6.33 Sites of Special Scientific Interest (SSSIs) are of national importance as the country's most valued wildlife sites and are given statutory protection under the Wildlife and Countryside Action 1981. There are currently two SSSIs in Middlesbrough: Langbaugh Ridge, that abuts the boundary with North Yorkshire; and Teesmouth and Cleveland Coast. The Council will attach significant importance to protecting and where possible enhancing these sites.

Local Sites

- 6.34 Local Sites can be Local Wildlife Sites or Local Geological Sites. Local sites are valued at the local level, and represent a range of habitats within Middlesbrough including woodland, grassland and ponds. Local Wildlife Sites meet specific criteria. The Local Plan will continue to protect these sites and encourage and support opportunities to enhance them, including working with the Tees Valley Nature Partnership. The selection and designation of sites is an on-going process and additional sites may be selected or deselected throughout the Plan period. Designated Local Sites will be kept up to date on the online Policies Map.

Local Nature Reserves

- 6.35 Local Nature Reserves are statutory sites declared by the Council, and ratified by Natural England to promote education and access to nature. The Council will continue to protect and support the enhancement of these locally important sites.
- 6.36 The Council has commissioned the Tees Valley Wildlife Trust to carry out a Local Wildlife Sites and Nature Reserve Assessment in order to provide an independent health check on the Council's existing biodiversity and ecological habitats identifying potential impacts deriving from future development proposals.

Policy GR5 Biodiversity and Geodiversity

The Council will seek to protect and enhance the borough's biodiversity and geological resources. Support will be given to schemes that enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation, international, national and local priority species and habitats will be protected, preserved and their restoration, re-creation and recovery promoted.

Biodiversity, geodiversity and natural capital should be considered at an early stage in the development process, with appropriate protection and enhancement measures incorporated into the design of development proposals, recognising wider ecosystem services and providing net gains wherever possible. Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative, should be avoided. Where this is not possible mitigation, or lastly compensation, must be provided as appropriate. Proposals will be considered in accordance with the status of biodiversity and geodiversity sites within the hierarchy.

a. Internationally important sites

Priority will be given to protecting the Tees Valley's internationally important sites, including the Teesmouth and Cleveland Coast Special Protection Area/Ramsar and European Marine Site. Development that is not directly related to the management of the site, but which is likely to have a significant effect on any internationally designated site, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment.

Development requiring Appropriate Assessment will only be allowed where:

- i. it can be determined through Appropriate Assessment at the design stage that, taking into account mitigation, the proposal would not result in adverse effects on the site's integrity, either alone or in combination with other plans or projects.
- ii. as a last resort, Appropriate Assessment proves that there are no alternatives, and that the development is of overriding public interest and appropriate compensatory measures are provided.

Within 6km of the Teesmouth and Cleveland Coast SPA and Ramsar Site, as illustrated on the Policies Map, proposals that would result in a net increase in residential units, or other development that would lead to increased recreational disturbance of the site's interest

features, will be expected to contribute towards strategic mitigation measures, where appropriate. This is to ensure that adverse effects on the site's integrity can be avoided. Any alternative suitable mitigation would need to be proven effective and agreed with the Council, in consultation with relevant statutory consultees.

Development schemes that fall within the scope of nutrient neutrality will be required to accord with the provisions of Policy GR6.

b. Nationally important sites

Development that is likely to have an adverse impact on nationally important SSSI sites, including broader impacts on the national network and combined effects with other development, will not normally be allowed. Where an adverse effect on the site's notified interest features is likely, an exception will only be made where:

- i. the benefits of the development, at this site, clearly outweigh both any adverse impact on the features of the site that makes it of special scientific interest, and any broader impacts on the network of SSSIs;
- ii. no reasonable alternatives are available; and
- iii. mitigation, or where necessary compensation, is provided for the impact.

c. Locally important sites

Development that is likely to have an adverse impact on Local Sites (Local Wildlife Sites and Local Geological Sites) or Local Nature Reserves will only be approved where:

- i. the benefits clearly outweigh any adverse impact on the site;
- ii. no reasonable alternatives are available; and
- iii. mitigation, or where necessary compensation, is provided for the impact.

Wildlife corridors and other habitat networks will be protected and enhanced, particularly hedgerows, watercourses and linking habitat features. Opportunities to de-culvert watercourses will be encouraged.

Development resulting in the loss or deterioration of irreplaceable habitats, will only be allowed in very exceptional circumstances where the need for, and benefits of, the development in that location clearly outweigh the loss and the development cannot be located elsewhere.

Nutrient Neutrality and water quality

- 6.37 The need for development to be 'nutrient neutral' (this term includes both nitrogen and phosphates) so as not to exacerbate the problem of nutrient enrichment in sensitive habitats is an important issue in Middlesbrough and the wider area around the Tees. On 16th March 2022, Natural England published statutory advice for certain local planning authorities, including Middlesbrough Council, setting out a requirement for new developments to achieve Nutrient Neutrality. All planning authorities within the Tees River Catchment are affected by this advice, due to excess levels of nitrogen being recorded in the River Tees.

- 6.38 The Conservation of Habitats and Species Regulations 2017 (as amended) are the UK's transposition of European Union Directive 92/43/EEC on the 'Conservation of natural habitats and of wild fauna and flora' (the Habitats Directive). The Habitats Directive states:
- '[Whereas] an appropriate assessment must be made of any plan or programme likely to have a significant effect on the conservation objectives of a site which has been designated or is designated in future'.*
- 6.39 The Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site (hereafter referred to as the SPA) is a designated European habitat site, meaning it is offered the highest level of protection under the legislation. The Council, in its role as the Competent Authority, has a statutory duty to ensure that new development proposals accord with this legislation. It must not, therefore, allow development proposals to proceed if they are likely to have a significant effect on the SPA.
- 6.40 The statutory advice issued by Natural England means that certain developments, which could lead to an increase in the level of nitrogen in the River Tees, cannot proceed without achieving Nutrient Neutrality. The term 'Nutrient Neutrality' is used to describe an approach whereby the level of nutrients discharged from a site after a development takes place is the same, or lower, than before. In Middlesbrough's case, it currently used to refer to the level of nitrogen discharging from a site and ending up in the River Tees.
- 6.41 The Local Plan sets out the Council's approach to dealing with Nutrient Neutrality, including identifying agricultural land that will be used to offset housing development, particularly proposals on Council-owned land. This approach will be kept under review as the provisions of the Regeneration and Levelling Up Act 2023 come into effect, particular those relating to the duties of water authorities regarding nutrient discharge.

Policy GR6 Nutrient Neutrality Water Quality Effects

Proposals for developments that will result in additional overnight accommodation, or would otherwise increase the discharge of nitrates into the River Tees, will be required to achieve Nutrient Neutrality.

Planning permission will only be granted where the integrity of nationally protected sites is not adversely affected by new development. When assessing planning applications, the impacts of increased nutrients from the development will be considered. Permission will only be granted where effects can either be excluded or, if that is not possible, appropriately mitigated. When making planning decisions which may affect these sites, the requirements of the Habitat Regulations must be met in accordance with Policy GR5.

Any mitigation for Nutrient Neutrality must be provided 'in perpetuity', and can be achieved through:

- a. the purchase of credits from the Natural England Mitigation Scheme; or
- b. the provision of alternative mitigation, either on or off site, that could include:
 - i. changing the use of land so that it results in a lower nitrogen load (e.g. removing land from agricultural use); or
 - ii. the development of infrastructure that removes nitrates before they enter the River Tees (e.g. constructed wetlands).

Council-owned land is identified on the Policies Map to help achieve nutrient neutrality. The Council will operate a credit scheme to manage the value of credits achieved on this land. The scheme will prioritise the provision of mitigation for housing being brought forward on Council-owned land.

Development proposals for mitigation schemes such as constructed wetlands will be supported where they are located in appropriate areas in relation to the development they are to serve and the nature of the mitigation would not have adverse impacts on the character, function and appearance of the area in which they are to be located. Such mitigation should also, where appropriate, deliver wider green infrastructure objectives including the creation and enhancement of corridors.

The provisions of the Regeneration and Levelling Up Act 2023 include a duty for water authorities in nutrient neutrality areas to upgrade their waste treatment works by 2030. This will help ensure nitrogen is removed before it is discharged into affected rivers. Once these upgrades are in operation, it is expected that the requirements of the habitats regulations, in respect of Nutrient Neutrality, will be satisfied.

Climate Change, Flood Risk and Water Management

- 6.42 Addressing climate change is of importance for sustainable development and a key priority of the NPPF. The NPPF states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. The NPPF also states that development should avoid increasing vulnerability to a range of impacts arising from climate change including flood risk, coastal change, water supply and changes to biodiversity and landscape.
- 6.43 We, therefore, need to encourage the prudent use of non-renewable resources, contribute to reducing emissions and stabilising climate change (mitigation) and take into account the unavoidable consequences (adaptation). However, addressing climate change is multi-faceted and cannot be addressed through a single policy or plan. Reducing carbon emissions and adapting to the effects of climate change therefore underpins every aspect of planning, helping to support regeneration and improve the health and quality of life of everyone in Middlesbrough. Climate change mitigation and adaptation must therefore be integrated throughout the Plan.
- 6.44 Middlesbrough is aiming for Carbon Neutral by 2039. The Plan can make a major contribution to mitigating and adapting to climate change by shaping new and existing developments in ways that reduce carbon emissions and positively build community resilience to problems such as extreme heat or flood risk. It can do this by ensuring that new development is located to reduce the need to travel and support the fullest possible use of sustainable transport. It should be designed in a way that limits carbon dioxide emissions, uses decentralised and renewable or low carbon energy and minimises vulnerability to future climate impacts.
- 6.45 It is important that inappropriate development is avoided in areas currently at risk from flooding, or likely to be at risk as a result of climate change, or in areas where development is likely to increase flooding elsewhere. Any risk must be assessed by using the Environment

Agency flood maps and the Council's Strategic Flood Risk Assessment. Development proposals must also take into account catchment flood management plans, surface water management plans and related flood defence plans and strategies.

- 6.46 Before deciding on the scope of a site-specific Flood Risk Assessment, the Strategic Flood Risk Assessment should be consulted along with the Local Planning Authority, Lead Local Flood Authority, the Environment Agency and Northumbrian Water. The completed Flood Risk Assessment should be submitted to the Local Planning Authority for approval.
- 6.47 Built development can lead to increased surface water run-off; therefore, new development is encouraged to incorporate mitigation techniques in its design, such as permeable surfaces and Sustainable Drainage Systems (SuDS). As a predominantly urban area, Middlesbrough is dominated by impermeable surfaces as part of its townscape. As such, SuDS can be a valuable way to address the risk of surface water flooding by adapting non-permeable surfaces to better 'hold' water in the urban landscape. The Council is seeking natural SuDS solutions, for example the creation of ponds, wetlands, rills and swales. SuDS should be seen as part of that 'multi-functional' green infrastructure network, delivering multiple amenity, landscape and biodiversity benefits. Underground attenuation tanks should be a last resort only where natural methods are not feasible for technical reasons.
- 6.48 Major development proposals should incorporate SuDS unless it can be demonstrated that these are not technically feasible or that the ground conditions are unsuitable. SuDS should be designed in accordance with local and national standards, and arrangements for the long-term maintenance and management of any proposed SuDS should be identified within a submitted drainage plan. The Tees Valley Authorities Local Standards for Sustainable Drainage (2017) provides an important set of locally tailored guidelines and planting regimes which should form the starting point for designing SuDS into new development or retrofitting. Maintenance options must clearly identify who will be responsible for SuDS maintenance and funding for maintenance should be fair for householders and premises occupiers. A minimum standard to which the sustainable drainage systems must be maintained should be agreed.
- 6.49 For all sites, the aim is to provide a fail-safe system that mitigates any negative impact on downstream flood risk resulting from peak rates of runoff from the proposed development.
- 6.50 The Council has a duty to have regard to the Northumbrian River Basin Management Plan to ensure the protection and improvement in quality of the water environment. This is also in accordance with the overall objective of the Water Framework Directive to achieve "good ecological status" in all water-bodies (including surface, ground and coastal waters) and not allow any deterioration from their current status.
- 6.51 Wherever possible, measures to deal with flood risk and drainage should identify opportunities to maintain and enhance the biodiversity and habitat of watercourses through protecting or restoring natural channel morphology.
- 6.52 Actions should also be taken to remove modifications to restore a more natural watercourse and associated biodiversity. Where such removal is not possible or not in the public interest, mitigation measures must be taken to create a more natural watercourse, improve habitats and enhance biodiversity.

Policy GR7 Climate Change and Flood Risk

Flood risk will be taken into account at all stages in the planning process to avoid inappropriate development in areas at current or future risk. Development in areas at risk of flooding, as identified by the Environment Agency flood risk maps, will only be granted where all of the following criteria are met:

- a. the proposal meets the sequential and exception tests (where required) in relation to the National Planning Policy Framework;
- b. a site specific flood risk assessment demonstrates that the development will be safe, including the access and egress, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall; and
- c. new site drainage systems are well designed, taking account of events that exceed the normal design standard (e.g. consideration of flood flow routing and utilising temporary storage areas).
- d. All development proposals will be expected to be designed to mitigate and adapt to climate change, taking account of flood risk by:
 - i. ensuring opportunities to contribute to the mitigation of flooding elsewhere are taken;
 - ii. prioritising the use of natural sustainable drainage systems (SuDs);
 - iii. ensuring the full separation of foul and surface water flows; and
 - iv. ensuring development is in accordance with the Middlesbrough Strategic Flood Risk Assessment.
- e. A site specific flood risk assessment will be required to be carried out to demonstrate that development is not at risk from flooding and that it does not increase flood risk elsewhere in the following circumstances:
 - i. proposals of 1 hectare in size or greater in Flood Zone 1; or
 - ii. proposals for new development (including minor development and change of use) in Flood Zones 3 or Flood Zone 2; or
 - iii. proposals for new development in areas susceptible to surface water flooding; or
 - iv. proposals situated in an area currently benefiting from defences; or
 - v. proposals situated within 20m of a bank top of a main river; or
 - vi. proposals over a culverted watercourse or where development will be required to control or influence the flow of any watercourse; or
 - vii. where the proposed development may be subject to other sources of flooding.
- f. Surface water runoff not collected for use must be discharged to one or more of the following, listed in order of priority:
 - i. discharge into the ground (infiltration); or where not reasonably practicable
 - ii. discharge to a surface water body; or where not reasonably practicable
 - iii. discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable;
 - iv. discharge to a combined sewer.

For previously developed sites, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall

event, must be as close as reasonably practicable to the greenfield runoff rate from the site for the same rainfall event but should never exceed the rate of discharge from the development prior to redevelopment for that event.

Discharge rates into surface water and combined sewers resulting from the redevelopment of brownfield sites will be limited to a maximum of 50% of flows consented for previous uses. For greenfield sites, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event, must not exceed the peak greenfield runoff rate from the site same event.

Where the drainage system discharges to a surface water body that can accommodate uncontrolled surface water discharges without any impact on flood risk from that surface water body (e.g. the sea or River Tees) the peak flow control standards and volume control standards need not apply.

Major developments will be required to submit a drainage plan to show the site drainage can be adequately dealt with. The proposed drainage scheme should incorporate SuDS unless it can be demonstrated that they would be inappropriate.

The drainage system must be designed and constructed so surface water discharged does not adversely impact the water quality of receiving water bodies, both during construction and when operational. New development should seek to improve water quality where possible, as well maintaining and enhancing the biodiversity and habitat of watercourses.

For the purpose of this policy, major development includes residential developments comprising 10 or more dwellings and other developments with a floor space of 1,000m² or more.

Renewable and low carbon energy

- 6.53 The NPPF states that to help increase the use and supply of renewable and low carbon energy and heat, plans should provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts).
- 6.54 Implementing renewable and low carbon energy is an important part of the response to the challenges of both climate change and security of energy supply. Renewable and low carbon energy sources are low or zero emission alternatives to fossil fuels as a source of energy. Renewable and low carbon decentralised energy is an important component of meeting carbon reduction targets. The purpose of the policy is to encourage the provision of renewable and low carbon energy through the planning system, but also to recognise the role of planning in setting the framework to allow assessment of potential impacts and to influence decision-making based on assessment. The development of most standalone renewable energy installations will require careful consideration due to their potential visual and landscape impacts, especially in areas of high landscape value. The size, location and design of renewable energy schemes should be informed by a Landscape Character Assessment, alongside other key environmental issues.

Policy GR8 Renewable and Low Carbon Energy

The development of renewable and low carbon energy will be supported, subject to satisfactory resolution of all site specific constraints as follows:

- a. renewable and low-carbon energy development should be located and designed to avoid unacceptable significant adverse impacts on landscape, wildlife, heritage assets and amenity;
- b. appropriate steps should be taken to mitigate any unacceptable significant adverse impacts, such as noise nuisance, flood risk, shadow flicker, interference with telecommunications, air traffic operations, radar and air navigational installations through careful consideration of location, scale, design and other measures; and
- c. any adverse cumulative impacts of proposals.

7. Physical, Social and Environmental Infrastructure

Strategic Objective

Objective F To ensure that new development is properly served by, and sustainably connected to, new and improved physical, social and environmental infrastructure

Objective H To achieve healthy and safe communities

Introduction

- 7.1 The provision of high quality infrastructure and green spaces to support existing and future development is a key element in delivering successful, sustainable communities and creating places that people want to live and also in improving the health and wellbeing of residents. It is therefore essential that the Council works with its partners and infrastructure providers, to ensure that sufficient physical, social and community infrastructure is provided to support the further growth and development within the town.

Strategic context

- 7.2 Tees Valley Strategic Economic Plan (TVSEP) identifies that effective infrastructure is crucial to the future development of the Tees Valley as it will stimulate and support economic growth. The TVSEP identifies an aim to improve connectivity within Tees Valley, across the Northern Powerhouse, the UK and the world and ensure comprehensive access to superfast broadband.
- 7.3 The Tees Valley Combined Authority has produced a Strategic Transport Plan for the Tees Valley. The Strategy sets out a vision for Transport in the Tees Valley 'To provide a high quality, quick, affordable, reliable, low carbon and safe transport network for people and freight to move within, to and from Tees Valley'. Among the priorities for Middlesbrough are:
- delivery of the Middlesbrough Station Masterplan improvements;
 - improved east-west road connectivity along the A66 corridor from the A1(M) to the international gateway at Teesport; and
 - additional A19 crossing of the River Tees.

Policy IN1 Strategic Infrastructure Provision

The Council will work with its partners and infrastructure providers, to ensure that sufficient physical, social and community infrastructure is provided to support the further growth and development within the town. This will be achieved through:

- a. preparation of an Infrastructure Delivery Plan (IDP) to consider a range of infrastructure requirements, including those relating to education, health, open spaces, transport, utilities, flood risk and waste management;
- b. the provision of appropriate infrastructure at the right time to support development including transport, education, and broadband;
- c. working with partners to ensure the successful creation of an integrated network of green and blue infrastructure and safeguarding existing green and blue infrastructure assets from development, and using opportunities created through development to seek to enhance, and extend the green and blue infrastructure network;
- d. mitigating the impacts of climate change; and
- e. in developing proposals, that appropriate mitigation measures are fully considered.

Infrastructure should be provided at the appropriate time in accordance with the IDP.

Usually this will be prior to the development becoming operational or being occupied. Larger developments may need to be phased to ensure that this requirement can be met.

The Council will seek to secure developer contributions in order to fund necessary infrastructure in accordance with Policy CR4.

Integrated Transport Strategy

- 7.4 The development of the transport strategy will assist in focusing investment in the transport network to achieve economic growth aspirations. The strategy seeks to avoid the consideration of individual forms of travel, but rather the movement of people including identifying how different modes of travel can be integrated together to provide a seamless transport network. This will be achieved by the Council working with partner organisations to not only identify what the existing capacity of the network is and where improvements are required, and bringing these forward both in terms of the local and strategic networks but also in developing a sustainable transport system. It is recognised that continuing to increase vehicular capacity is not a viable nor desirable long-term solution. Such an approach will continue to place reliance on the private car, increasing both the number and length of vehicular trips. Studies have consistently shown that increasing the available capacity on highway links and junctions leads to a phenomenon known as induced demand; where traffic is attracted to the improved routes which means that any improvements in conditions are a short-term benefit, but are quickly lost which can lead to the need for further capacity improvements.
- 7.5 With this strategy, the Council is making a clear statement that it will seek to actively manage the available network more effectively, which will include measures to achieve modal shift. This approach can specifically be seen in the creation of Mobility Corridors along main arterial routes which will be used as part of the Council's strategy to manage the demand on the network, improve the quality of life in residential areas and promote mode shift.

- 7.6 Mobility Corridors will provide an equitable package of measures which seek to balance the competing demands placed upon the corridor whilst seeking to promote mode shift through Active Travel in line with the Council's policies.
- 7.7 Reducing dependence on the private car will reduce congestion, improve air quality and assist with both social and economic regeneration. It is acknowledged that vehicular traffic plays a role in a strong economy. However, congestion and vehicular impacts can lead to poor quality outcomes including but not limited to constraining the continued growth of the local economy and improvement of the area.



Figure 6 - Hierarchy of Highway Users

- 7.8 In order to promote and assist informed travel choices, the Council has a hierarchy of highway users, which will be at the heart of everything that the Council does in relation to transport and informs its transport strategy and priorities.
- 7.9 Key will be to identify opportunities and overlaps between different non-car modes to ensure seamless accessibility. Walking and cycling routes will connect to public transport infrastructure at key points which will be identified by higher quality facilities such as bus super stops. Such a strategy has a number of elements to it.

Walking and cycling

- 7.10 The provision of a high quality, accessible and connected walking and cycling network is critical in providing a viable alternative to private car travel. Active travel has the potential to alleviate a number of key transport, social and public / environmental health issues. It is relatively low cost, emission free and alleviates congestion and keeps users fit and healthy. Other benefits include the animation of streets through increased footfall further supporting investment, economic growth and reducing crime/the fear of crime.

Public transport/bus

- 7.11 The provision of a high quality, reliable bus network is critical in providing a viable alternative to private car travel. Buses provide a valuable service in linking communities to employment, education, leisure, retail and health services across the Town. Public transport represents an efficient means of moving the populous around the Tees Valley when considering the road use of the vehicle.

Rail

- 7.12 Middlesbrough Station is the second busiest station in the Tees Valley, with upwards of 1.3m passengers per year and growing. Nationally, rail travel is seeing unprecedented growth and is now seen as a viable alternative to the private car for both commuting and leisure activities. In the 2015 rail franchise announcements, Middlesbrough was awarded a direct London service which will see 7 trains per day open up the area to connections to the capital in under 3 hours; resulting in access to multiple national markets to enable further inward investment and commuting opportunities for businesses and residents of the Tees Valley. Coupled with the London service, the two current franchise operators are planning increases for additional services to Manchester Airport, York, Newcastle and Saltburn. This is vital to support the continued economic growth of Middlesbrough and wider Tees Valley region.

Road

- 7.13 An efficient, environmentally friendly and safe highway network is crucial to the delivery of the Local Plan and to the future prosperity of the Town. For this reason, improvements to both the strategic and the local road network are necessary to ensure that they remain fit for purpose well into the 21st century. The key requirements are:
- Improved Traffic Flow: Tackling congestion at key locations through targeted interventions;
 - Improved Network Reliability: Increasing the resilience of the network and minimising the day-to-day variation in journey times, to the benefit of freight and public transport
 - Improved Local Air Quality: Aligning with the National Clean Air Strategy to reduce the impact of transport-related emissions on environmental and public health; and
 - Improved Road Safety: Reducing both the number and the severity of casualties on the highway network, to secure the safe movement of all highway users.

Policy IN2 Integrated Transport Strategy

Middlesbrough requires a well-planned, efficient, attractive, fully inclusive, integrated and sustainable transport network. Such a network will provide a range of attractive travel options allowing informed decisions about how and when to travel. The Transport Strategy will enable the Council to deliver its development and growth aspirations as expected within a modern urban environment.

A 21st century sustainable transport network will reduce the need for and dependency on car borne travel by improving non car connectivity within and beyond Middlesbrough, including:

- linking employment, leisure, retail, education and residential communities within Middlesbrough to provide access for all;
- between Middlesbrough Town Centre and the wider Tees Valley;
- with London and other major regional cities and urban areas;
- with Teesside Airport; and
- with Teesport and the adjacent Teesworks major inward investment site.

The Integrated Transport Strategy will:

- consider the movement of people as opposed to individual modes of travel;

- create a fully integrated, seamless transport network;
- ensure that movement around Middlesbrough is safe and accessible for all;
- reduce the dependence and dominance of the private car by providing a range of viable, attractive non-car options in high quality environments to enable the travelling public to make informed decisions;
- facilitate and support the regeneration and development priorities identified in this Local Plan;
- foster economic growth and inward investment; and
- improve the quality of life for the public by providing targeted interventions and aspirations to deliver these objectives.

This will be achieved by:

a. cycling and walking

Enhancing and extending the accessibility to, and quality of, a safe pedestrian and cycle network (including Public Rights of Way) through;

- i. the creation of a legible, consistent network of Cycle Super Highways along defined strategic corridors on North/South, East/West axis and new orbital route(s) which will enable connection into adjacent Authority areas to provide accessibility across the whole Tees Valley;
- ii. delivering walkable neighbourhoods with community support which reduce or remove through traffic, enhance the built environment and ensure day to day services are safely and easily accessible by active travel modes;
- iii. ensuring development proposals provide high quality access and integration into strategic routes together with appropriate storage facilities; and
- iv. providing high quality active travel facilities at key destinations and Bus Superstops to ensure full integration with other modes of travel.

b. bus

Enhancing and extending the accessibility to, and quality of, the bus network through:

- i. provision of a high quality Public Transport Interchange and supporting Town Centre Bus Strategy to facilitate new and extended routes;
- ii. the creation of defined strategic corridors on North/South, East/West axis and new orbital route(s) which will provide bus priority measures and enable connection into adjacent Authority areas to provide accessibility across the whole Tees Valley;
- iii. the provision of Bus Superstops serving Local Centres and destinations including Middlesbrough Railway Station, Middlehaven, Teesside University, James Cook University Hospital and Coulby Newham District Centre along the strategic corridors; and
- iv. the creation of a South Middlesbrough multi modal mini bus station at the Coulby Newham District Centre.

c. rail

Enhancing and extending the accessibility to, and quality of, the rail network through:

- i. improvements to Middlesbrough Railway Station to facilitate direct rail services to and from London, and enhance its role as a regional and sub-regional transport hub providing a gateway into Middlesbrough;
- ii. improvements to active travel access and public realm around Middlesbrough Railway Station to allow it to become a key entry point to the wider multi-modal transport network serving Middlesbrough and the Tees Valley; and
- iii. ensuring rail stations within Middlesbrough and routes to them are accessible by all modes of travel to ensure they become an integral hub for multi modal transport.

d. road

Enhancing road network capacity and traffic flows through:

- i. facilitating and supporting the transportation of freight through and within Middlesbrough by introducing measures to reduce congestion, remove bottlenecks, and improve reliability and resilience on the A19, A66, A174, and other key arterial routes on the local road network;
- ii. completion of the Stainton Way Westward Extension (SWWE) linking the B1380 and A1130 through the Stainsby development;
- iii. junction improvements along the Stainton Way corridor;
- iv. Cargo Fleet Lane localised capacity improvement and bus priority works; and
- v. a package of targeted junction improvements which support and promote sustainable travel whilst maintaining vehicular capacity on key routes.

e. parking

Using parking as a demand management tool to support sustainable travel objectives by;

- i. ensuring that parking levels take into account different factors including the location, car ownership, staffing or visitor numbers, periods of demand and peak accumulation when calculating parking levels;
- ii. restricting the provision of further Town Centre parking unless there is a clear and demonstrable need;
- iii. working with adjacent uses to deliver shared parking facilities;
- iv. considering differing needs of end users in terms of car parking and car parking demand;
- v. supporting the expansion in the amount and quality of electric vehicle charging and parking provision;
- vi. ensure that all other sustainable travel options have been taken up before establishing parking levels; and
- vii. carefully designing schemes and layouts to provide adequate levels of parking avoiding displacement of unmanaged car parking to the detriment of highway safety, free flow of traffic, damage to infrastructure and quality of the built environment.

Development will be located where it will not have a detrimental impact upon the delivery of the Integrated Transport Strategy and proposals should actively assist with the implementation of the priorities identified above.

New and improved transport infrastructure required to enable development should be provided in a timely manner to ensure that the associated impact is mitigated as early and effectively as possible.

Transport requirements for new development

- 7.14 Proposals should seek to take a vision and validate approach to transport planning. This essentially means looking into the future (vision) to see what places we want to see and using robust assessments (validate) how we can achieve this. It is more rounded assessment than traditional approaches and should take into account:
- places designed around people;
 - reducing carbon footprints;
 - implications of the digital world; and
 - generating/ensuring prosperity.
- 7.15 New development should be designed to ensure people, in particular older people and those with disabilities, can move freely, efficiently and safely. New development should be designed to appropriate national standards included in the Manual for Streets, Manual for Streets 2, and other best practice including LTN 1/20 and Active Travel England guidance, to ensure highway layouts are designed to naturally restrain vehicle speeds.
- 7.16 The Council wishes to encourage greater levels of walking and cycling and use of the public transport network to access local facilities, such as open spaces, schools, shops and places of work. Proposals for new development should ensure that it integrates with pedestrian and cycle infrastructure and is well served by public transport.

Policy IN3 Transport Requirements for New Development

Development proposals will be expected to mitigate against the additional demand placed upon all modes of travel. Development proposals should take a vision and validate approach, seeking to reduce private car use whilst maximising sustainable travel modes. Such mitigation is likely to consist of the provision of physical works and/or financial contributions. In addition, proposals will be expected to:

- a. be designed to appropriate national standards. A clear hierarchy should be introduced to address the function of the built environment between the movement and place functions. Highway layouts should be designed to naturally restrain vehicle speeds to 20mph or less within residential areas without the need for traditional traffic calming.
- b. be designed to fully integrate with pedestrian and cycle infrastructure, including Public Rights of Way. Schemes will be expected to both create new routes and enhance existing routes in order to enable wider strategic corridors to be delivered;

- c. investigate the potential to provide a car club/car share facility within the proposals to reduce, where possible, the potential for multiple car ownership;
- d. electric vehicle charging points should form part of the overall parking strategy for developments. Where charging points are not provided for each dwelling, community charging points should be located in prominent areas with high levels of natural surveillance;
- e. provide high quality covered and enclosed cycle parking. Where apartments are proposed, cycle storage should be provided within the building footprint; and
- f. ensure new development is well served by reliable, high frequency public transport.

Community Facilities

- 7.17 Community facilities play an important role in sustaining communities through the creation of healthy, vibrant and inclusive places within Middlesbrough. They often serve as the hub of local communities, providing a place to meet, socialise or exercise and are key in promoting the health and well-being of people who live and work in the district. The timely provision and upgrading of facilities is required to ensure Middlesbrough's future growth is sustainable.
- 7.18 Community facilities can include community centres, places of worship, arts and cultural facilities as well as other local services such as health care facilities, community hubs and libraries and schools. Some local facilities may be commercial operations such as shops, post offices, children's nurseries or public houses but they are valuable to the local community, are often essential to maintaining quality of life and reducing the need to travel.

New community facilities

- 7.19 National planning policy states that the Council should plan positively for the provision of community facilities (such as meeting places, sports venues and places of worship) and guard against the unnecessary loss of valued facilities and services. A key planning issue is how to meet the need for additional community facilities such as school places and health care facilities arising from planned housing growth and population change. The Council will continue to work with key partners to identify the improvements to existing provision that will be necessary to support the planned level of housing growth in Middlesbrough. The need for new and improved community facilities will be identified in the Infrastructure Delivery Plan. Contributions will be sought from developers for the provision of new facilities that are necessary to meet the needs arising from proposed developments.

Protection of existing community facilities

- 7.20 A number of community facilities have either been lost or are under threat of redevelopment. The loss of such facilities can have serious consequences, particularly where there is no alternative provision nearby. Proposals for the redevelopment or reuse of premises that would lead to the loss of a community facility will only be allowed where one or more of the conditions identified in the policy can be met. Claims that a community facility is no longer viable will need to be supported by the financial records of the business, normally for the previous three years, and evidence that reasonable attempts have been made to actively market the property at existing use value for a minimum of 12 consecutive months prior to the application being made. The effectiveness of such marketing will be as much about how and where the property is advertised as it is about how long it is advertised

for. An independent professional valuation will be required where it is considered that the facility has been marketed at an unsuitable price. Applicants will need to provide evidence of the enquiries resulting from advertising, resulting offers and why they were dismissed. In determining applications, the Council will also have regard to the availability of comparable facilities that are accessible to the community in question, and whether the facility or service can be retained in suitable form elsewhere. Diversification of existing facilities to improve viability, for example by locating a shop or post office in the local pub to provide a dual service to the community, will be supported where this can prevent the loss of a facility.

- 7.21 There may also be circumstances where the loss of a community facility is part of a wider proposal to rationalise or improve the provision of public services. The Council will normally support proposals that involve the disposal of surplus land or buildings where it is demonstrated to be essential to fund a new or enhanced community facility elsewhere within the local area.

Policy IN4 Community Facilities

Existing facilities

A proposal that would result in the loss of premises or land currently or last in community use will not be supported unless it can be demonstrated that:

- a. prior to the commencement of development a satisfactory replacement facility will be provided in a suitably accessible location for the catchment area or the community served;
- b. the existing use is no longer financially or operationally viable and there is no reasonable prospect of securing a viable satisfactory alternative community use;
- c. the continued use of the site for community purposes would conflict with other planning policies; or
- d. the loss of the community facility is integral to a strategic proposal to improve community services within the locality.

New facilities

A proposal that provides for a new community facilities will be supported provided:

- i. there is a demonstrable local need for the facility;
- ii. the proposed facility is accessible to the community it is intended to serve; and
- iii. the development would not detract from the character or impact on the amenity of the local area.

Education

- 7.22 Good education provision is critical to place making and creating places where people want to live. Middlesbrough's schools have seen considerable investment in recent years through the Buildings Schools for the Future programme. The Council will aim to ensure that every child can secure a place in a good or better school within walking distance of their home, and that there are sufficient school places available to allow for an element of parental preference.

- 7.23 The demand for school places in an area can change fairly rapidly not just because of the impacts of new housing but also due to changes in the birth rate or migration. The scale of new housing development for which Middlesbrough is planning may lead to additional school places being required. Work is ongoing to establish the future education requirements across the borough. Often the most appropriate approach is to expand existing schools however there is a possibility that some developments may need to incorporate new schools. The Local Plan, therefore, identifies land within three housing allocations that should be retained for the development of new schools. Alternative development on this reserved land may be acceptable should it be demonstrated that new schools are not required.
- 7.24 It is important that any new schools are located in sustainable locations and are welcomed by the communities they will be located in. One of the most effective ways to achieve this is for new facilities to be seen as a community resource wherever practicable.

Policy IN5 Education Provision

The Council will work to ensure the education needs arising out of future development needs are met. The Council will aim to ensure that every child can secure a place in a good or better school within walking distance of their home. New education provision (either extensions to existing schools or new schools) will:

- a. Be highly accessible to its intended catchment, particularly by walking, cycling and public transport. If enlargement of an existing school is required as a result of new housing development where possible this will be expected to take place within the catchment area of this new development or at other local schools within walking distance of new development;
- b. Be located and designed to minimise the impact of associated traffic and car parking on surrounding areas;
- c. be designed to provide high quality facilities suitable for the intended number and age of students;
- d. be designed and constructed using materials that minimise maintenance and running costs and ensures that a high quality learning environment is created that maximises ability to meet current and future education requirements;
- e. wherever practicable and appropriate provide for community use of playing fields and other schools facilities;
- f. audit the main pedestrian and cycle routes to the school site(s) and provide financial contributions and/or physical works to extend the borough's network of Safer Routes to School;
- g. provide financial contributions and/or physical works to reduce and manage the impact of car parking associated with the 'school run' in vicinity of the school site(s); and
- h. work with the Council to actively implement and maintain a Travel Plan to minimise, as far as is practicable, the level of vehicular traffic generated by the school site(s).

Land should be reserved for primary school provision within the housing allocations at:

- i. Stainsby;
- ii. Newham Hall Farm; and
- iii. Holme Farm.

If, at the time the housing is developed, it can be demonstrated that the new schools are not required, the Council will consider appropriate alternative uses for the reserved land.

The housing allocation at Stainsby Road is identified as a potential location for a new school, should it be needed following further discussions with the Department for Education.

Land is also identified for a secondary school within the Middlehaven area.

Developer contributions may be sought for new education provision in accordance with Policy CR4.

A flexible approach will be taken to the reuse and redevelopment of educational facilities that become surplus to requirement during the plan period, particularly where they would support the provision or improvement of educational facilities elsewhere in Middlesbrough.

Health and Wellbeing

- 7.25 A healthy environment, fostered by robust urban design, access to quality green and blue spaces, and a sustainable transport system, can promote and encourage healthy lifestyles. Planning plays a crucial role in shaping these key health determinants, and thus can be a crucial lever in addressing health inequalities. A key role for the Local Plan, therefore, is to facilitate development that supports and encourages active, healthy lifestyles through addressing our local health and wellbeing goals.
- 7.26 In Middlesbrough, there are significant differences in the health and wellbeing, healthy life expectancy, and life expectancy, between the most and least deprived wards. For instance, life expectancy is 12.6 years lower for men and 12.0 years lower for women in the most deprived areas of Middlesbrough than in the least deprived areas. Evidence shows that inequalities in health and wellbeing are influenced by environmental as well as social and economic factors. In order to help address these issues, it is essential that community needs are supported through appropriate physical, social, and green and blue infrastructure, and by other facilities and key services which contribute to improving physical and mental health and wellbeing, and the overall quality of life experienced by residents.
- 7.27 Health and wellbeing is, therefore, an important issue in Middlesbrough. In order to combat issues like obesity, and non-communicable diseases such as type 2 diabetes, cancer, respiratory problems, heart disease, and other conditions, the (developing) South Tees Joint Strategic Needs Assessment (JSNA) establishes the local goals for addressing the various health and wellbeing challenges facing our different communities. The Council will support development proposals that directly addresses these local health goals through the urban design process. The Council will also seek, with its partner organisations, to promote the provision of health facilities to ensure that everyone has access to high quality health care, and will assist the North East and North Cumbria Integrated Care Board delivering their Strategic Plan.
- 7.28 In addition, the Council will look at a range of measures when assessing planning applications in order to both promote health and wellbeing and attempt to reduce health inequalities, such as: access to sustainable high quality green and blue environments, healthy neighbourhood design (for instance, walkability), healthy housing (for instance, increasing the provision of affordable and diverse housing), access to healthcare services and

other social infrastructure, access to a healthy food environment (including opportunities for urban agriculture), healthy sustainable transport (including opportunities for active travel), crime reduction and community safety and addressing climate change and biodiversity, which have implications for the immediate and long-term health.

- 7.29 Health and wellbeing are cross cutting themes and Policy IN6 should be read alongside other policies in this Plan that seek to address the wider determinants of health.

Policy IN6 Health and Wellbeing

The Council will support development in Middlesbrough that provides opportunities for healthy lifestyles, contributes to the creation of healthier communities and helps reduce health inequalities. The potential health gains from development proposals, will be maximised and any negative impacts mitigated. In order to achieve this the Council will:

- a. work with partners including the NHS to reduce health inequalities;
- b. protect existing facilities where possible, and support the provision of new or improved health facilities;
- c. encourage proposals which utilise opportunities for the multi-use and co-location of health facilities with other services and facilities, co-ordinate local care and provide convenience for the community;
- d. ensure new developments:
 - i. are located in well-connected locations to enable active travel;
 - ii. create well designed and safe places with a strong sense of place;
 - iii. support the delivery of essential community services;
 - iv. protect and enhance open space, leisure and recreation facilities;
 - v. support measures to promote walking and cycling;
 - vi. include the provision of multifunctional green and blue infrastructure where appropriate; and
 - vii. avoid contributing to climate change, and provide mitigation against the effects of climate change.
- e. discourage uses that have a negative health impact; and
- f. ensure that all new development that may cause pollution including water, air, noise or light, will be required to incorporate measures to prevent and reduce pollution so as not to cause unacceptable impacts before and after completion on land and buildings, and the character and appearance of the surrounding area.

All major development proposals should be supported by a Health Impact Assessment to demonstrate that full consideration has been given to health and wellbeing, taking into account wider local/regional primary care and other health strategies.

Communications infrastructure

- 7.30 National policy requires local planning authorities to support the expansion and enhancement of communications infrastructure, and actively work with partners to provide high speed broadband in their areas.

- 7.31 Recent events, including the rise of home working and internet shopping, have shown that telecommunications networks and high speed broadband technology is essential for now and the future. The Council, therefore, sees access to high quality communications and broadband as a vital component of infrastructure and key to growing a sustainable local economy, jobs, education, agile working, along with having a central role in community cohesion and engagement.
- 7.32 The world of telecommunications and connectivity is a changing environment with new technological advances occurring all the time (such as 5G). The provision of fibre connections is, however, the most robust and future-proof method of connectivity. It is, therefore, the Council's aim to ensure that infrastructure is provided to facilitate fibre connections to all new residential and commercial developments.
- 7.33 Whilst acknowledging how vital high quality and reliable communication infrastructure is, it is also important to ensure that equipment and installations, together with any necessary enabling works, minimise their impact on their surroundings and do not result in unacceptable harm to visual amenity or environmentally sensitive features or locations. Such infrastructure should also be positioned in a manner which prevents an adverse impact on highway safety and maintains the free flow of pedestrians, cyclists and motorists.

Policy IN7 Digital and Communications Infrastructure

The Council will support the development and expansion of advanced, high quality communications infrastructure networks, including telecommunications and high speed broadband, to support economic growth and more accessible, inclusive communities, and which addresses coverage gaps within the borough.

Proposals for telecommunications and digital infrastructure will be supported where:

- a. the siting, height, design and appearance of the equipment will not cause harm to the character or appearance of an area or building on which it is located, including the significance and setting of heritage assets, and will not be visually intrusive in the street scene or create unacceptable clutter;
- b. existing carriageways, footpaths and cycleways are retained for the free flow of users, including during periods of maintenance, and that equipment is sited so that it does not unduly affect visibility of pedestrians, cyclists and motorists;
- c. equipment is positioned to avoid negative impact on highway safety;
- d. the equipment has been designed to keep the size of the installation to the technical minimum and sited, so far as practicable, to minimise the impact on the environment;
- e. opportunities are taken to locate equipment so that it benefits from a backdrop of landscaping, buildings or other similar features within the street scene;
- f. screening, including through landscaping, of equipment housing and other visually intrusive development associated with the proposal is provided;
- g. all reasonable alternative sites which fulfil the functional requirements of the equipment have been assessed;
- h. providers are able to demonstrate as part of the submission that they have considered using existing facilities or sharing with the equipment of other operators;

- i. no existing facilities are available and applicants have considered the need to include additional structural capacity to take account of growing demands for network development, including that of other operators;
- j. it does not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation operated in the national interest; and,
- k. the applicant has certified that the development will operate within the ICNIRP Guidelines for public exposure.

New residential and commercial development should be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant ducting to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation.

Above ground telecoms equipment should be removed once it is no longer in operation.

Cemetery provision

- 7.34 Land needs to be protected for long-term burial requirements, especially when existing provision is nearing capacity. There are currently six cemeteries in Middlesbrough, and one crematorium at Acklam. These cemeteries are located at:
- Acklam;
 - Linthorpe;
 - North Ormesby;
 - St. Joseph's; and
 - Two within Thorntree.
- 7.35 To ensure adequate supply of burial space over the time period of the Local Plan, additional land for cemetery use will be required within Middlesbrough. To address this requirement, extensions to existing burial space or new burial space will be needed. Suitable land at Acklam and Thorntree Cemeteries, and new burial space on land east of St. Mary's at Nunthorpe has therefore been identified.

Policy IN8 Burial Grounds

The Council will protect all existing burial spaces and seek to re-use existing spaces for new burial spaces, where appropriate.

Additionally, land as indicated on the Policies Map, will be allocated for new burial space at:

- Acklam Cemetery (extension);
- Thorntree Cemetery (extension); and,
- Land to the east of St. Mary's Church, Church Lane, Nunthorpe.

8. Managing the Historic Environment

Strategic Objective

Objective G To recognise and value our historical and culturally important assets

Introduction

- 8.1 The historic environment includes 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, landscaped, and planted or managed flora. The historic environment is a non-renewable, shared resource, part of Middlesbrough's identity that contributes to a sense of place and a quality environment. The historic environment can play a key role facilitating economic growth, by creating successful places for businesses to locate and attract inward investment, driving successful regeneration. In turn, a strong economy can help support sustaining and enhancing the historic environment, including keeping historic buildings in sustainable uses. The Local Plan creates a positive strategy for Middlesbrough's historic environment, recognizing and protecting its heritage assets and supporting economic growth, regeneration and managing the impact of new development.
- 8.2 The speed of Middlesbrough's development from the early 19th century is unique. It grew from Middlesbrough Priory (a middle point between Durham Cathedral and Whitby Abbey), founded in 1119, to rural areas with tiny populations mostly owned by the Hustlers of Acklam and the Pennymans of Ormesby until 1801. In 1829 Joseph Pease and other Quaker businessmen purchased land in the area for 'Port Darlington' on the banks of the Tees; a year later a branch line was run in from the 1825 Stockton and Darlington Railway (S&DR). The construction of the branch line was the trigger for the S&DR to commission the first ever locomotive designed purely to haul passenger traffic. A town was planned to supply labour to the new coal port and Middlesbrough was born. The early town, called St Hilda's after the parish church that stood there until 1969, was centred on a market square, where the first town hall was built in 1846. This area was planned along a grid pattern, which was replicated across the town as rapid expansion continued up until the 20th century.
- 8.3 The industrial revolution and the discovery of iron ore by John Vaughan and Henry Bolckow in the Cleveland Hills in 1850, led to iron and steel gradually replacing coal. South of the old Town Hall and Middlehaven a new town centre was laid out, again on a grid pattern around Centre Square, with some of Middlesbrough's most significant and prominent buildings built here over the last century. The expanding iron and steel industry and salt works in the 1860s and 1870s spurred on the growth of Middlesbrough with a population of 19,000 in 1861 increasing to 40,000 only ten years later. G.G. Hoskins' Town Hall was built by 1889 and the Transporter Bridge in 1911, showcasing Middlesbrough's power and vitality.
- 8.4 The Historic Environment is the context within which new development happens. An early understanding of the character and value of the historic environment prevents conflict and maximises the contribution historic assets can make to future economic growth and community well-being.

- 8.5 A 'heritage asset' is defined by the NPPF as '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 assets include designated heritage assets and assets identified by the local planning authority (including local listing).
- 8.6 Some of Middlesbrough's historic environment is designated as Listed Buildings, Scheduled Monuments, Conservation Areas and one Registered Parks and Garden. Some are identified (but classed as non-designated) because of local significance, such as those buildings and sites found on Middlesbrough's Local List.

Table C: Middlesbrough's Heritage Assets

Type of Heritage Asset	Middlesbrough Context
Listed Buildings	<ul style="list-style-type: none"> • 1 Grade I, (Acklam Hall) • 11 Grade II* • 114 Grade II
Scheduled Monuments	<ul style="list-style-type: none"> • Earthworks at Nunthorpe Hall • Stainsby Medieval Village and Open Field System • Fishpond 550m east of Acklam Park
Conservation Areas	<ul style="list-style-type: none"> • Acklam • Albert Park and Linthorpe Road • Historic Quarter • Linthorpe • Marton • Nunthorpe • Ormesby • Stainton and Thornton
Historic Park and Garden	Albert Park
Local List	91 buildings and sites

- 8.7 There are key buildings and sites that are particularly representative of Middlesbrough's history, including early industrial and railway heritage and there are other buildings and sites that are rare survivors of an earlier time, including rural and agricultural heritage. Proposals that sustain and enhance Middlesbrough's industrial and railway heritage are welcomed. This includes:

- development in St Hilda's, Middlehaven, the world's first planned railway town;
- development around the 1830 Middlesbrough branch line of the Stockton and Darlington Railway and related heritage assets;
- buildings related to people who made substantial contributions to Middlesbrough's history and development, including Captain James Cook, Henry W.F. Bolckow, John Vaughan and Dorman Long; and

- buildings designed by architects who made substantial contributions to Middlesbrough's historic environment, including Sir Alfred Waterhouse, G.G. Hoskins, R.R. Kitching, Sir Walter Brierly, Robert Moore, Gustav Martens and John Ross.

Strategic Context

- 8.8 The Council has a statutory duty to sustain and enhance the significance of Middlesbrough's heritage assets. This can be best achieved by understanding the significance of heritage assets and by clear policies to manage change that can be applied strategically to guidance and other policies, to regeneration projects and in a development management context, to guide planning and other applications.

Heritage At Risk

- 8.9 Heritage At Risk includes buildings, structures, and sites whose preservation is threatened, often by vacancy or lack of regular repair and maintenance. The Council is preparing a Heritage At Risk register to identify and proactively guide removing these buildings and sites from the register.

Policy HI1 Strategic Historic Environment

Strategic

Middlesbrough's historic environment is recognised as making a positive contribution to the borough's identity and potential for economic growth and regeneration. The Council will sustain and enhance the historic character of Middlesbrough, which includes historic areas, buildings, features, archaeological assets and their settings. Where development affecting designated or non-designated heritage assets or their settings is proposed, it must be of high quality, respecting its context and demonstrating a strong sense of place.

Heritage At Risk

Development of Heritage Assets whose preservation is At Risk will be permitted providing it results in the optimum, viable and sustainable use of the building or site. Support will be given to schemes that sustain or enhance heritage assets' significance including their settings, particularly archaeological remains most At Risk through neglect and decay.

Listed Buildings

- 8.10 Listed Buildings are designated nationally to recognise and protect their historic and architectural significance. They represent some of our most historic and culturally important buildings, are irreplaceable and warrant a high level of protection through the planning system. Middlesbrough has civic, commercial, ecclesiastical, residential, and agricultural/former agricultural Listed Buildings.
- 8.11 The Council will seek to ensure that the borough's listed buildings are preserved and enhanced so that they can continue to make an important contribution to the environment, economy, quality of life and lifelong learning for this and future generations.
- 8.12 The Council wishes to encourage the continued upkeep and active use of listed building with a general presumption in favour of their conservation based upon their significance. The Council will have special regard to the desirability of conserving any listed building or its

setting, or any features of architectural or historical interest which it possesses, which contribute to its significance.

Scheduled Monuments

- 8.13 Scheduled Monuments are designated nationally to protect the most significant archaeological heritage assets. They are often structures without modern uses, meaning they are particularly vulnerable to damage and from harmful development in their setting. Middlesbrough's three Scheduled Monuments are medieval remains, providing evidence of early life in the area prior to the industrial revolution and the birth of the town.

Conservation Areas

- 8.14 A Conservation Area is 'an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Conservation Areas are designated (chosen) by the Council. Development within, and adjacent to, Conservation Areas is managed through decisions made on planning applications.
- 8.15 Middlesbrough Council has designated eight Conservation Areas, where there are concentrations of high quality, traditional and historic buildings, features and spaces, to sustain and enhance their significance. Some are in Middlesbrough's urban areas; some suburbs and a couple are rural villages. Conservation Area Character Appraisals and Management Plans are in place for all of Middlesbrough's Conservation Areas, the most recent was adopted in 2013.
- 8.16 In September 2019, Middlesbrough's Historic Quarter Conservation Area was successful in being awarded a High Street Heritage Action Zone, part of the Future High Streets Fund. It runs for four years from April 2020 and provides funding to deliver high street regeneration and community involvement as well as prioritising Historic England's resources in the area. The scheme is split into three main areas: building grants, public realm works and community engagement. This should build on positive private investment in the area, enhancing the historic area and its businesses and result in the removal of the Conservation Area from the At Risk Register.

Registered Parks and Gardens

- 8.17 Albert Park is Middlesbrough's only Registered Park and Garden. It is a public park funded by Henry Bolckow and designed by William Barratt, which opened in 1868. Albert Park is a treasured open space, a break from urban Middlesbrough that has been enjoyed since it opened.

Policy HI2 Designated Heritage Assets

a. Listed Buildings

Works to Middlesbrough's Listed buildings should sustain or enhance their significance, including any contribution made by their setting. Works that have been identified as harmful will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal. Substantial harm to a Grade II Listed Building should be exceptional, while development that has been identified as substantially harmful to the significance of a Grade I and/or Grade II* Listed Building and/or its setting should be wholly exceptional.

Works to alter, extend or change the use of a Listed Building or structure within its curtilage will be permitted providing they:

- i. sustain or enhance its significance;
- ii. protect existing historic hard and soft landscaping features including trees, hedges, walls, fences and surfaces;
- iii. make use of high quality, natural materials;
- iv. protect historic plot boundaries and layouts; and
- v. ensure the optimum viable use of the building, where appropriate.

Works that affect the setting of a Listed Building will be permitted providing it sustains or enhances its setting. This includes the use of high quality, locally distinctive designs, and natural materials.

Works that involve the demolition of a Listed Building or structure within the curtilage of a listed building will not be permitted, except in exceptional circumstances as detailed in national policy.

b. Scheduled Monuments

Development that is identified as harmful to the significance of a Scheduled Monument should require clear and convincing justification. Development that would result in substantial harm to or loss of a Scheduled Monument should be wholly exceptional.

c. Conservation Areas

Development within, or affecting the setting of, a Conservation Area will be permitted where it sustains or enhances the significance of the Conservation Area, providing it:

- i. respects architectural and historic character by design in accordance with the positioning, grouping, density, massing, height, form, scale, grain and detailing of development, including the use of natural materials;
- ii. respects hard and soft landscaping features including areas of open space, trees, hedges, walls, fences, watercourses and surfacing and the special character created by them;
- iii. respects historic plot boundaries and layouts;
- iv. makes use of high quality, natural or traditionally hand-made materials; and
- v. results in high quality, locally distinctive development.

Development that will result in harm to the significance of Conservation Areas and / or their settings will not be permitted unless the public benefits outweigh harm and should require clear and convincing justification.

Demolition in Conservation Areas will not be permitted unless:

- vi. the building or structure makes a negative contribution to the significance of the Conservation Area; or
- vii. the removal is necessary to deliver public benefit that outweighs the loss.

Planning applications for demolition within Conservation Areas must include proposals for redevelopment of the site, including a schedule of works. In all circumstances, the proposed

redevelopment of sites must make a positive contribution to the significance of the Conservation Area.

d. Historic Parks and Gardens

Development within Albert Park will be permitted providing it:

- i. cannot be accommodated elsewhere, due to it being an integral feature of the park; or
- ii. is directly related to the conservation management of the park.

All development within Albert Park must not harm those elements that contribute to its enjoyment, layout, design, significance and/or setting, including key views or towards the park.

Where proposals may impact a Heritage Asset, a Heritage Impact Assessment (HIA) must be submitted assessing the significance of any heritage assets affected, including any contribution made by their setting.

Non-Designated Heritage Assets

- 8.18 New non-designated Heritage Assets that contribute positively to Middlesbrough's historic environment may be identified during policy- and guidance-making and during pre-application or planning application stages, providing they meet criteria used to draw up Middlesbrough's Local List.

Local List

- 8.19 There are also a number of non-designated heritage assets within the borough, which although not designated, make a positive contribution to Middlesbrough's historic environment. Any proposals affecting non-designated heritage assets should be assessed by carefully weighing the loss or harm caused to the heritage asset against its significance.
- 8.20 Middlesbrough's Local List was adopted in 2011. The Local List contains non-designated Heritage Assets, buildings and site that have local significance. It identifies 91 buildings, structures, parks, gardens, and open spaces, in need of recognition and protection to manage change to and around them, because Middlesbrough is a relatively young settlement. The list can be viewed here <https://www.middlesbrough.gov.uk/planning-and-development/conservation/middlesbrough-local-list/>

Archaeological Sites

- 8.21 Where development is likely to affect sites of known or possible archaeological interest, an archaeological evaluation will be required, the scope of which will be agreed with the Council. This will help to establish the significance of any archaeological remains prior to determination of a planning application, with mitigation measures and the steps to be taken to record, retain, incorporate, protect, enhance and, where appropriate, manage the archaeological interest, provided as part of the proposals.

Policy H13 Non-Designated Heritage Assets

Local List

The Council has identified locally listed non-designated heritage assets for their contribution to the area, which should be considered when determining planning applications. Their importance to Middlesbrough and to the community will be considered, and account will be taken of the desirability to sustain and enhance their significance, including development in their settings. Development proposals should respect, support, and where possible, positively contribute to the significance of these heritage assets.

Development of Local List buildings and sites will be permitted providing they sustain and enhance their significance, proportionate to their level of significance including enabling sustainable uses for them.

Other buildings and features of design and architectural interest not included above may also be considered non-designated heritage assets and therefore will also be subject to these requirements. Where a development would result in harm to a non-designated asset, a balanced judgement will be made, having regard to the scale of any harm or loss and the significance of the asset. A HIA will be necessary to inform the decision.

Archaeological Sites

Development that has been identified as harmful to the significance of non-designated sites of equivalent significance to designated sites (including development within their setting), will only be permitted in exceptional circumstances and require clear and convincing justification.

Development that may affect a known or potential archaeological site, including its setting, should be accompanied by the results of a desk-top assessment. As a minimum, Middlesbrough's Historic Environment Record (HER), held by the Council, should be used to inform this.

9. Appendices

- Appendix 1 Monitoring Framework**
- Appendix 2 Site Allocations Location Plans**
- Appendix 3 Strategic/Non-strategic Policies**
- Appendix 4 Superseded Policies**
- Appendix 5 Key Diagram**
- Appendix 6 Housing Trajectory**
- Appendix 7 Neighbourhood Plan Housing Allocations**
- Appendix 8 Nationally Described Space standards**
- Appendix 9 Green Blue Infrastructure Checklist**
- Appendix 10 Glossary**

Appendix 1. Monitoring Framework

Introduction

As part of the process of preparing the Local Plan, it is necessary to identify an effective monitoring framework against which implementation of the strategy and vision can be monitored. This in turn will help to identify any policy modification that needs to be made if a particular policy or suite of policies within the plan are not delivering their intended outcome.

Performance indicators

Indicators will be identified to show how the performance of the Housing Local Plan will be measured. The monitoring process is one that will evolve over time as new information becomes available and policy lessons are learnt. Indicators may as a consequence change or be refined over time to reflect this evolving process. It is not practicable to include an indicator for every policy in the plan. Where possible, policies have been grouped and common indicators identified.

Annual Monitoring Report (AMR)

The AMR will be the principal component in the monitoring framework, bringing together all the necessary information to successfully monitor the implementation of the Local Plan in one place. It will be published by December each year and will include an assessment of:

- a) Whether the policies and related targets or milestones in the Local Plan have been met or progress is being made towards meeting them or; where they are not being met or not on track to being achieved, and the reasons why;
- b) What impact the policies are having in respect of national and local policy targets and any other targets identified in the Local Plan;
- c) Whether the policies in the Local Plan need adjusting or replacing because they are not working as intended;
- d) Whether the policies need changing to reflect changes in national policy; and
- e) Whether policies or proposals need changing, and the actions needed to achieve this.

The following indicators will be used to monitor implementation of the Local Plan. This will be refined through the AMR.

Chapter 2– Vision and Strategy				
Strategic Objective				
Objective A To deliver new high quality, well designed and energy efficient development that meets the needs and aspirations of current and future residents				
Objective H To achieve healthy and safe communities				
Policy	Indicator	Target	Existing Baseline	Source
ST2	Number of dwellings completed (MDC area)	1500	-	Completion certificates
ST2	Number of new jobs created (MDC area)	4,000	-	MDC data

Chapter 3 – Creating Quality Places				
Strategic Objective Objective A To deliver new high quality, well designed and energy efficient development that meets the needs and aspirations of current and future residents Objective H To achieve healthy and safe communities				
Policy	Indicator	Target	Existing Baseline	Source
CR2	Loss of protected open space	Avoid	-	Planning applications and completion certificates
CR2	Development on previously developed land	Maximise	-	Completion certificates
CR2	Development on land listed on the brownfield register	Maximise	See brownfield register	Completion certificates
CR2; CR3	Percentage of major development applications accompanied by a Design and Access Statement	100%	-	Planning applications
CR4	Total development contributions received	-	-	Council data
CR5	Development outside of development limits	Minimise	-	Completion certificates
CR6	Tall and large buildings applications to be accompanied by a detailed urban design assessment	100%		Planning applications

Chapter 4 – Economic Growth
Strategic Objective

Objective B To revitalise Middlesbrough Town Centre through diversifying our retail and leisure offer, and attracting new urban dwellers, supported by a strong network of district and local centres

Objective C To strengthen our local economy by supporting existing business and attracting new employers

Policy	Indicator	Target	Existing Baseline	Source
EC1, ST1	Economic activity	Increase rate	-	ONS
EC1, ST1	Employee jobs	Increase	-	ONS Business Register and Employment Survey
EC1	Unemployment rate	Decrease	-	ONS
EC1	Earnings by place of residence	Increase	-	ONS Annual Survey of hours and earnings
EC1	Earnings by place of work	Increase	-	ONS Annual Survey of hours and earnings
EC1, ST1	Employment Type	Increase proportion of manufacturing sector; creative media and digital sector; and health and education sector.	-	ONS
EC2	Amount of floorspace developed for employment use within; Riverside Park; East Middlesbrough Industrial Estate; Lawson Industrial Estate; Cannon Park; Cargo Fleet; Letitia; Newport South Business Park, Whitestone Business Park & Warelands Way	Maintain and increase	-	Completion certificates
EC4	Business floor space completed (Middlehaven)	Increase	-	Completion Certificates
EC4; EC5	Education floorspace completed (Middlehaven and University Campus)	Increase	-	Completion Certificates

EC4	Leisure floorspace completed (Middlehaven)	Increase	-	Completion Certificates
EC4	Impact upon SPAs and Ramsar Sites	Appropriate Assessment required	-	Planning applications
EC8	Annual Footfall	Increase	-	Council data
EC8; EC10	Floorspace permitted for retail use	Maintain or increase	-	Completion certificates
EC7; EC8	Amount of completed retail, office and leisure development in town centres	Maintain and enhance the vitality and viability of the town centre	-	Completion certificates
EC7; EC8	Floorspace permitted/refused for town centre uses in town centre; edge of centre; out of centre locations	Maximise development within the town centre	-	Completion certificates
EC8	Total number of units and number of vacant units in the town centre. Total amount of floorspace and vacant floorspace within the town centre.	Reduce the number of vacant units	-	Annual survey
EC8; EC9	Amount of completed high density commercial accommodation within and around Town Centre (m2)	Increase	-	Completion Certificates
EC15	Total number of units and number of vacant units in the district centres	Maintain or enhance vitality and viability	-	Annual Survey
EC15	Total amount of floorspace and vacant floorspace within the district centres	Maintain and enhance the vitality and viability of the town centre	-	Annual survey

EC16	Proportion of Hot food takeaway uses in the Town Centre and Linthorpe Road South Secondary Shopping Area	Should not exceed 6%	-	Annual survey
EC16	Proportion of Hot food takeaway uses in the district and local centres	Should not exceed 10%	-	Annual Survey
EC17	Gross floorspace of small-scale retail and food uses within employment areas	Should not exceed 200m2 per unit	-	Completion certificates

Chapter 5 - Housing Development

Strategic Objectives

Objective D To deliver new high quality, well-designed and energy efficient development that's meets the need and aspirations of our current and future residents, to build high quality homes that help strengthen our communities

Objective H To achieve healthy and safe communities

Policy	Indicator	Target	Existing Baseline	Source
HO1; H02, ST1	Net additional dwellings provided	400	-	Completion certificates
H02	Outstanding planning permissions on allocations	Delivery of housing allocation	-	Planning decision notices
H02; H04	Completions on allocated sites	Delivery of housing allocation	-	Planning Completions
H01; H04; H05	Number and type of affordable dwellings provided	To deliver affordable housing and meet identified needs.	-	Planning completions
H06	Net additional pitches (Gypsy, Traveller and Travelling Showpeople)	14	20pitches	Council data

H07; H08	Space standards for residential use	100%	-	Planning application
H09	HMO developments	100%		Planning application
H010	Student accommodation on and off campus	100%		Planning application; Completion Certificates
H011	Self-build demand / availability	maximise	2022/2023 – 2no. registered to Part 1.	Self-build register; Planning applications; Completion certificates

Chapter 6 - Green and Blue Infrastructure				
Strategic Objective				
Objective E To protect and enhance our green and blue infrastructure				
Objective F To ensure that new development is properly served by new and improved physical, social and environmental infrastructure				
Policy	Indicator	Target	Existing Baseline	Source
GR1	Quality score of open spaces	Increase	See OSNA	Open Space Needs Assessment
GR1	Value score of open spaces	Increase	See OSNA	Open Space Needs Assessment
GR1, GR4	Green infrastructure created (m2)	Maximise	-	Planning completions
GR2	Development on green wedge (Green wedge lost m2)	0%	-	Planning applications.
GR3; GR4	Open Space lost to development	Minimise	-	Planning applications/Planning completions
GR4	Amount of country park created as part of Stainsby development (ha)	-	-	Planning completions
GR4	New playing pitches provided	Meet demand	-	Planning completions
GR4	Public open spaces created (m2) as part of new development	-	-	Completion certificates

GR6	Number persons per dwelling (for the purpose of calculating mitigation)	0.6 persons per dwelling	0.27 persons per dwelling	Council Data
GR7	Number of proposals approved in areas at risk of flooding contrary to Environment Agency	0	-	Planning applications/completion certificates

Chapter 7- Physical, Social and Environmental Infrastructure				
Strategic Objective				
Objective F To ensure that new development is properly served by, and sustainably connected to new and improved physical, social and environmental infrastructure				
Objective H To achieve healthy and safe communities				
Policy	Indicator	Target	Existing Baseline	Source
IN2	Annual passenger journeys on local bus services	Increase	-	Department for Transport statistics
IN2	Annual rail journeys	-	-	ORR Statistics
IN2	Estimates of Station usage	-	-	ORR Statistics
IN3	Electric vehicle charging points provided as part of developments	Increase	-	Completion Certificates
IN2	Cycle parking facilities provided	Increase	-	Completion Certificates
IN5	Primary school facilities provided	Provide as necessary	-	Completion certificates
IN6	Additional health facilities provided	Support provision	-	Completion certificates
IN6	% of major developments and proposals	All developments and proposals.	-	Planning applications

	accompanied by a HIA			
IN8	New burial space created	Created at Acklam, Thorntree and St Mary's Church Nunthorpe.	-	Council data

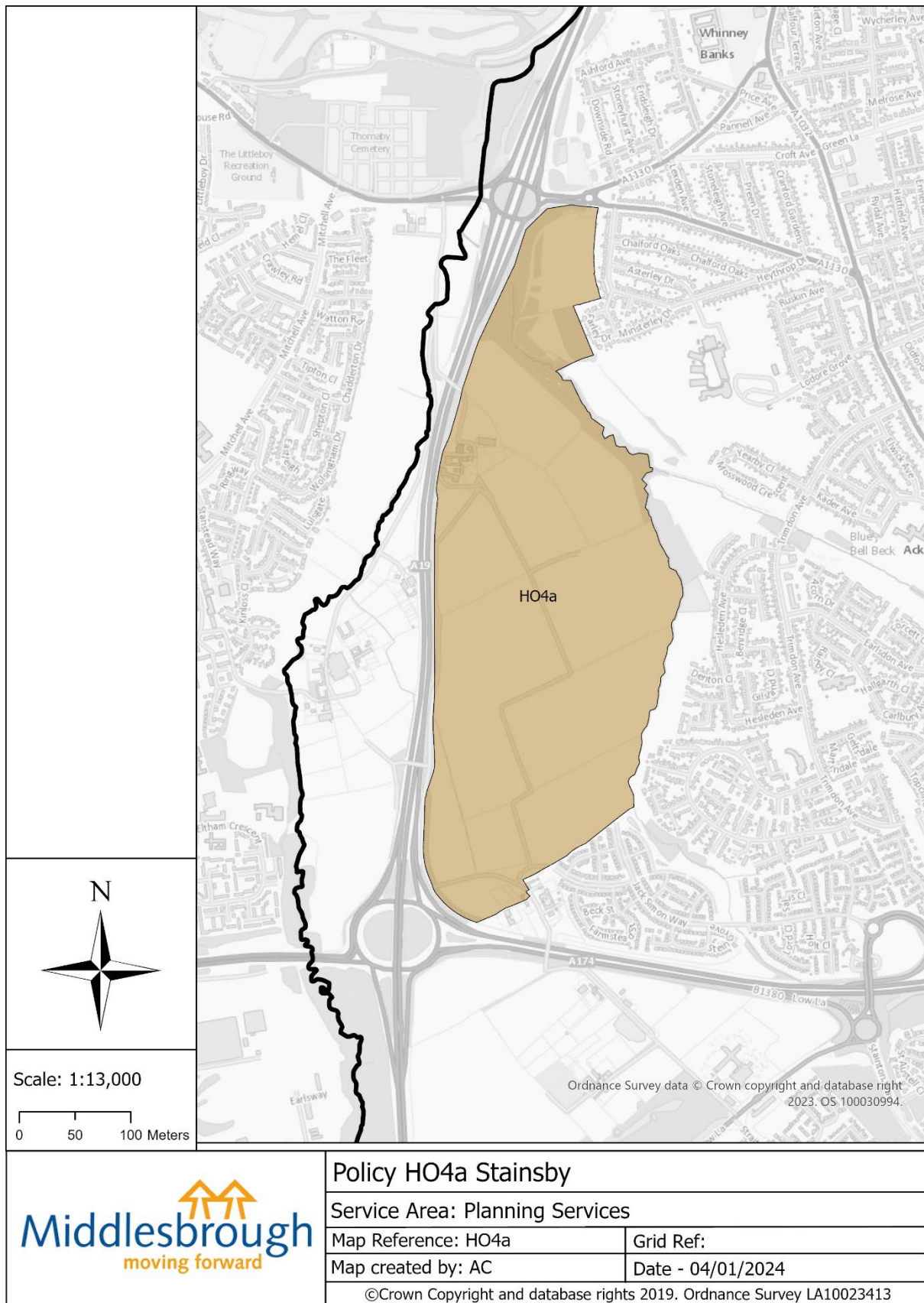
Chapter 8 - Managing the Historic Environment

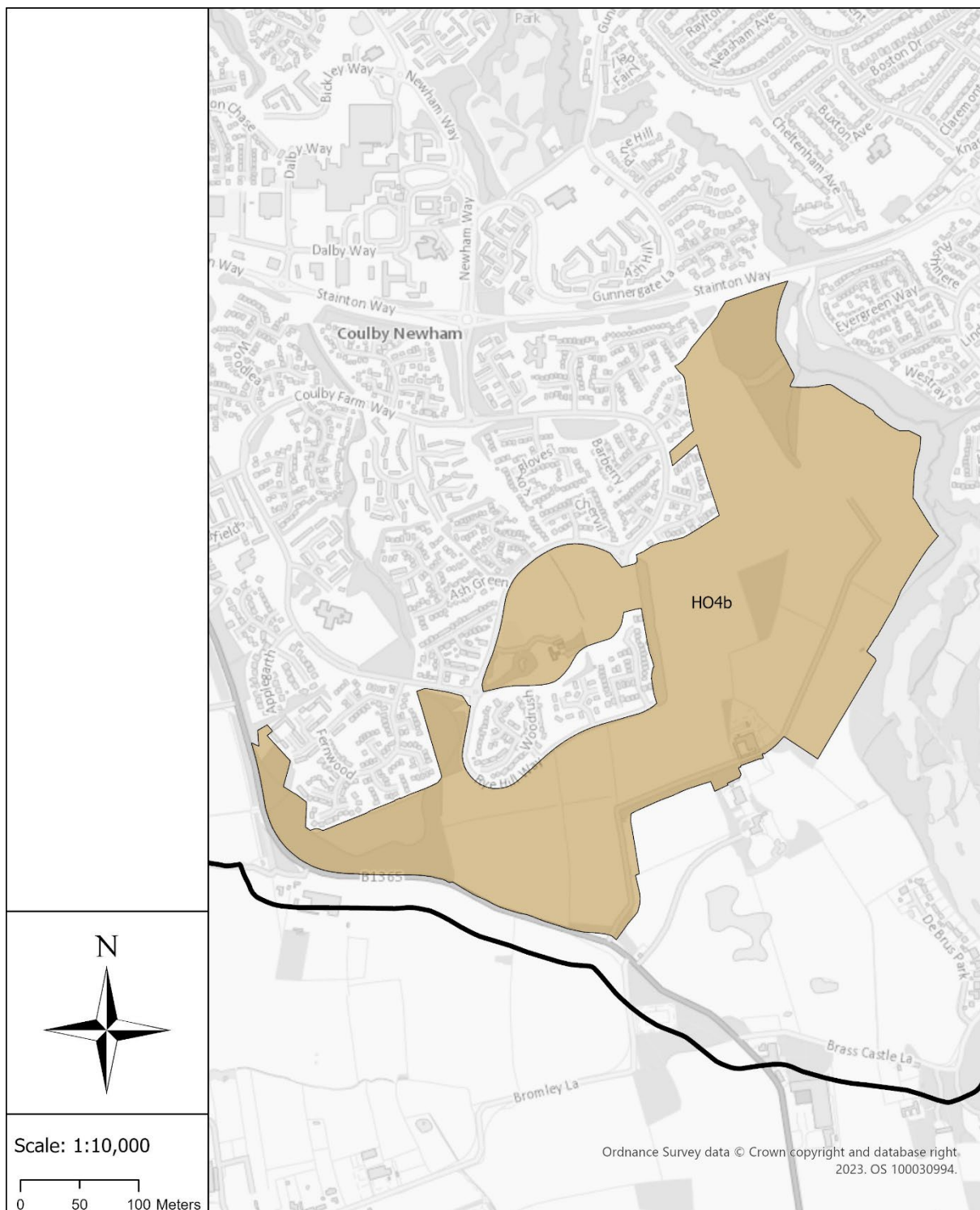
Strategic Objective

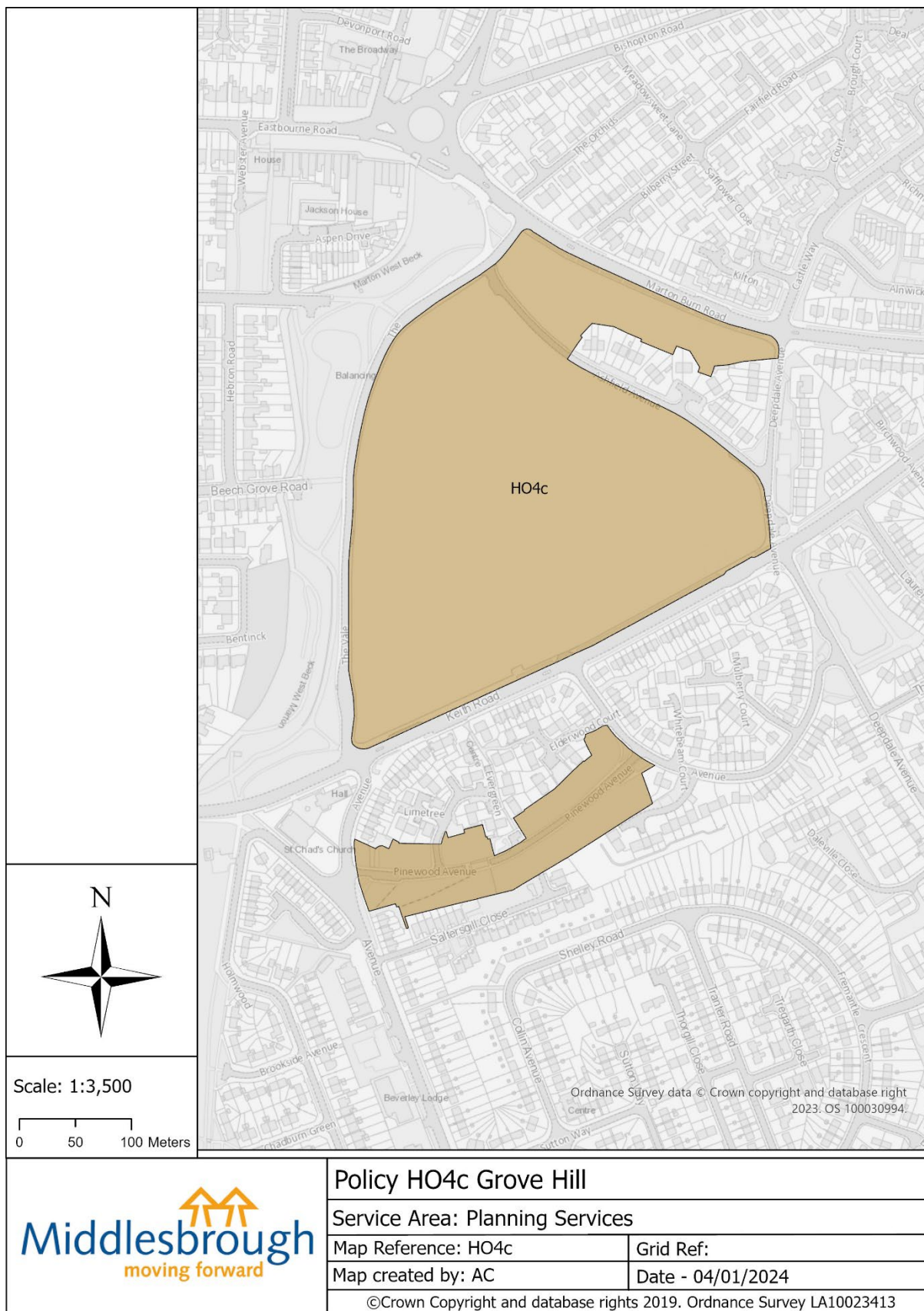
Objective G To recognise and value our historic and culturally important assets.

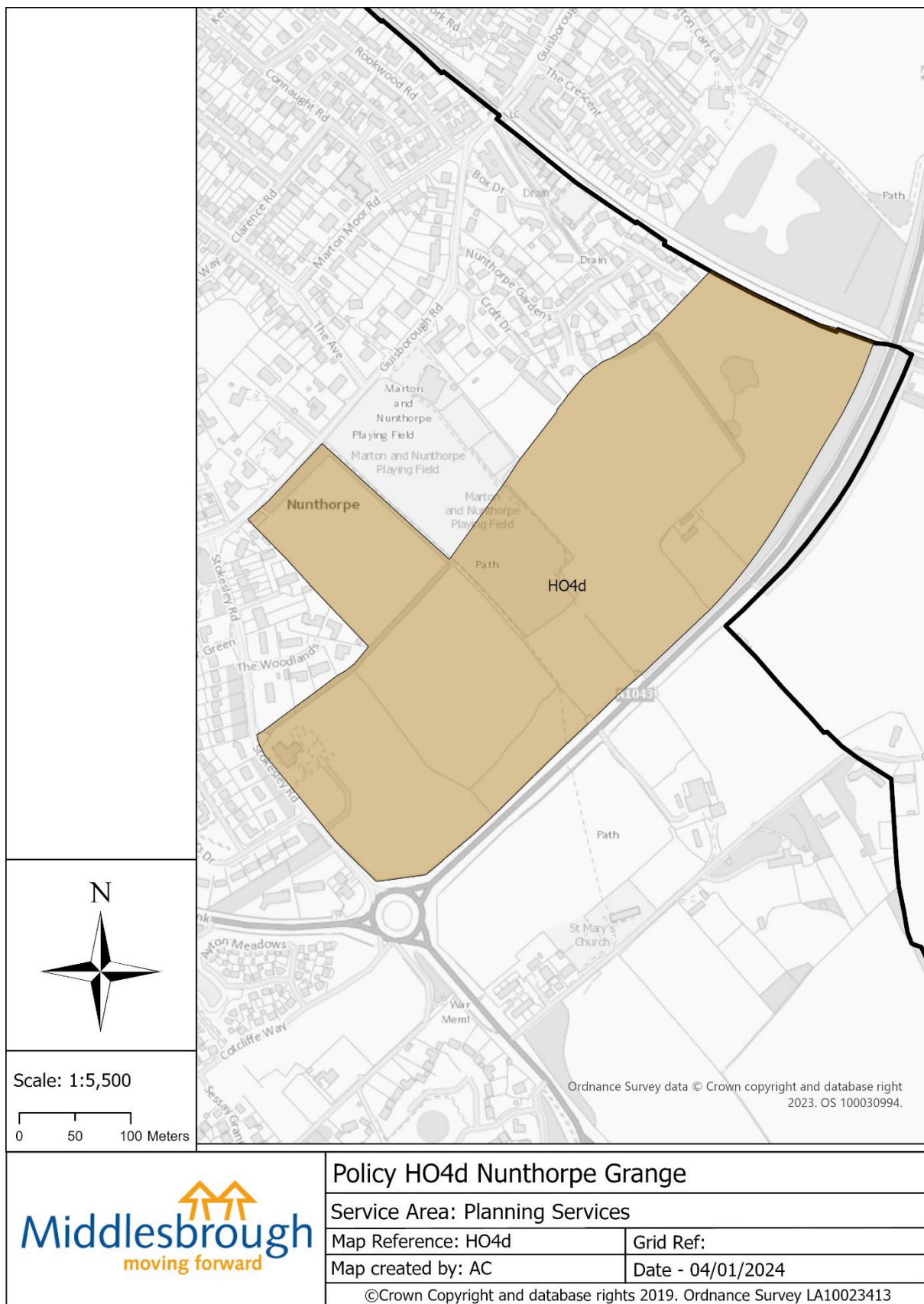
Policy	Indicator	Target	Existing Baseline	Source
HI1	Number of heritage assets classified as 'at risk' on Heritage at Risk Register	0	-	Historic England
HI1, HI2	Number of designated heritage assets lost	0	-	Historic England
HI2	New Conservation areas designated	Where necessary	-	Council data

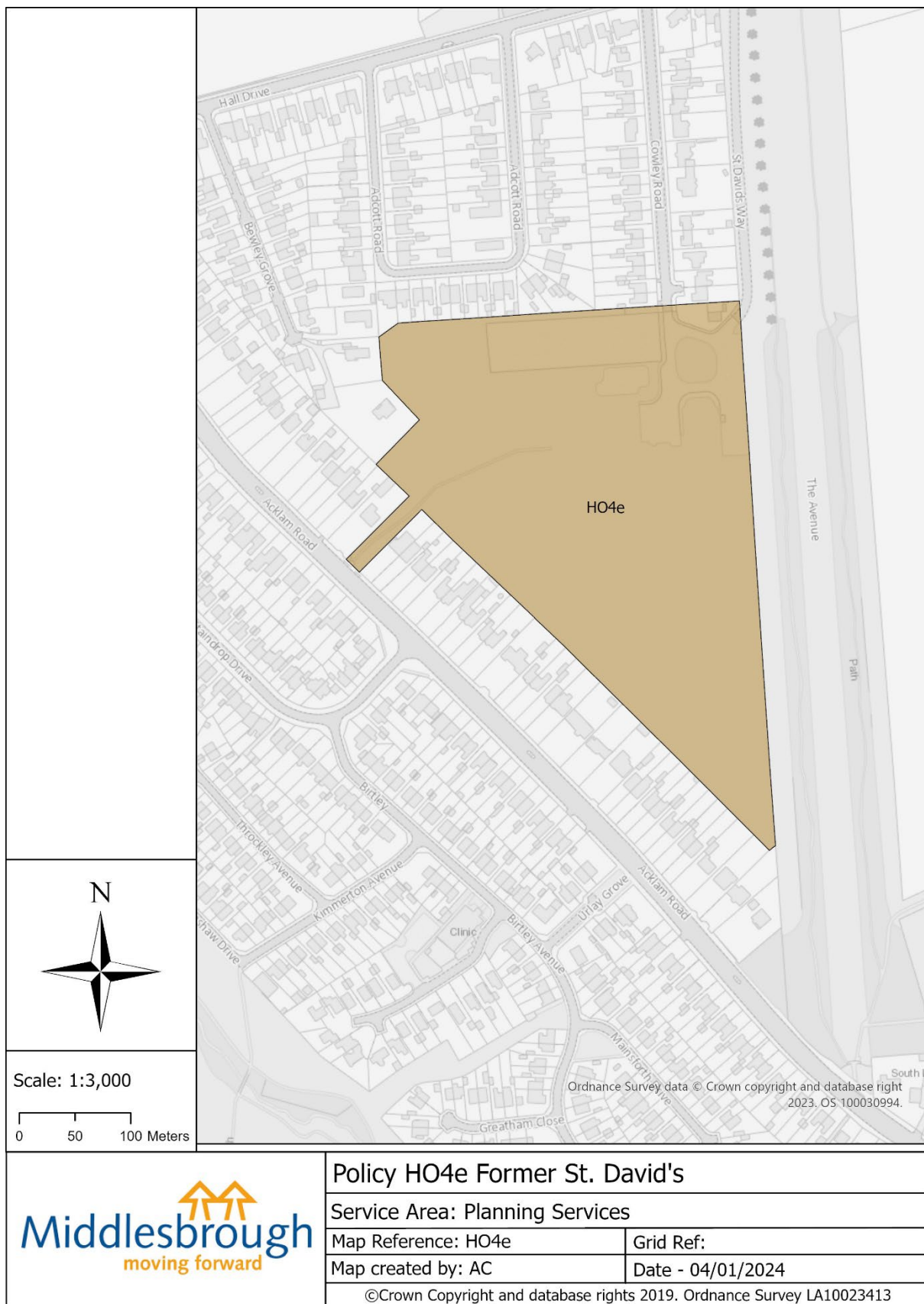
Appendix 2. Site Allocations Location Plans

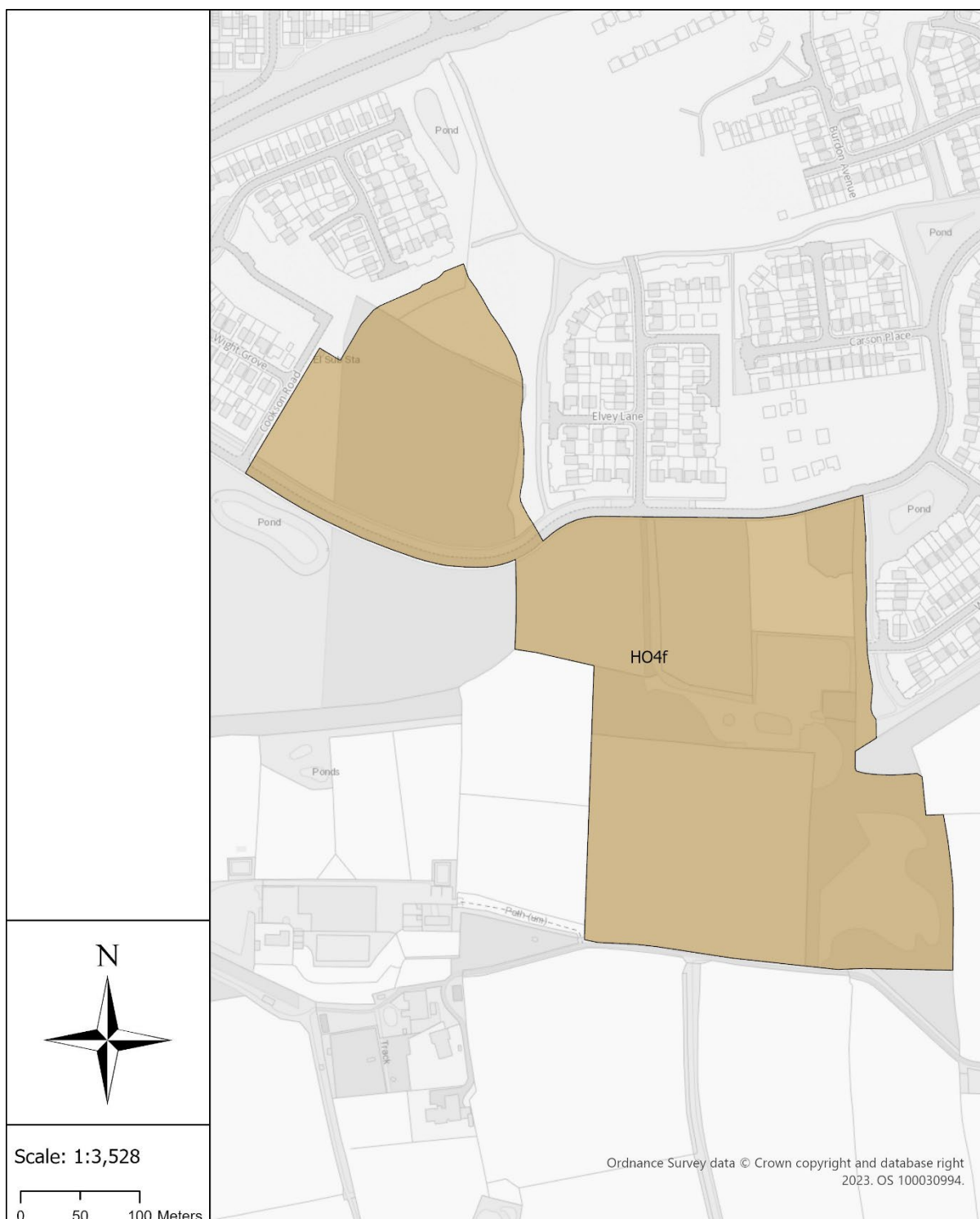


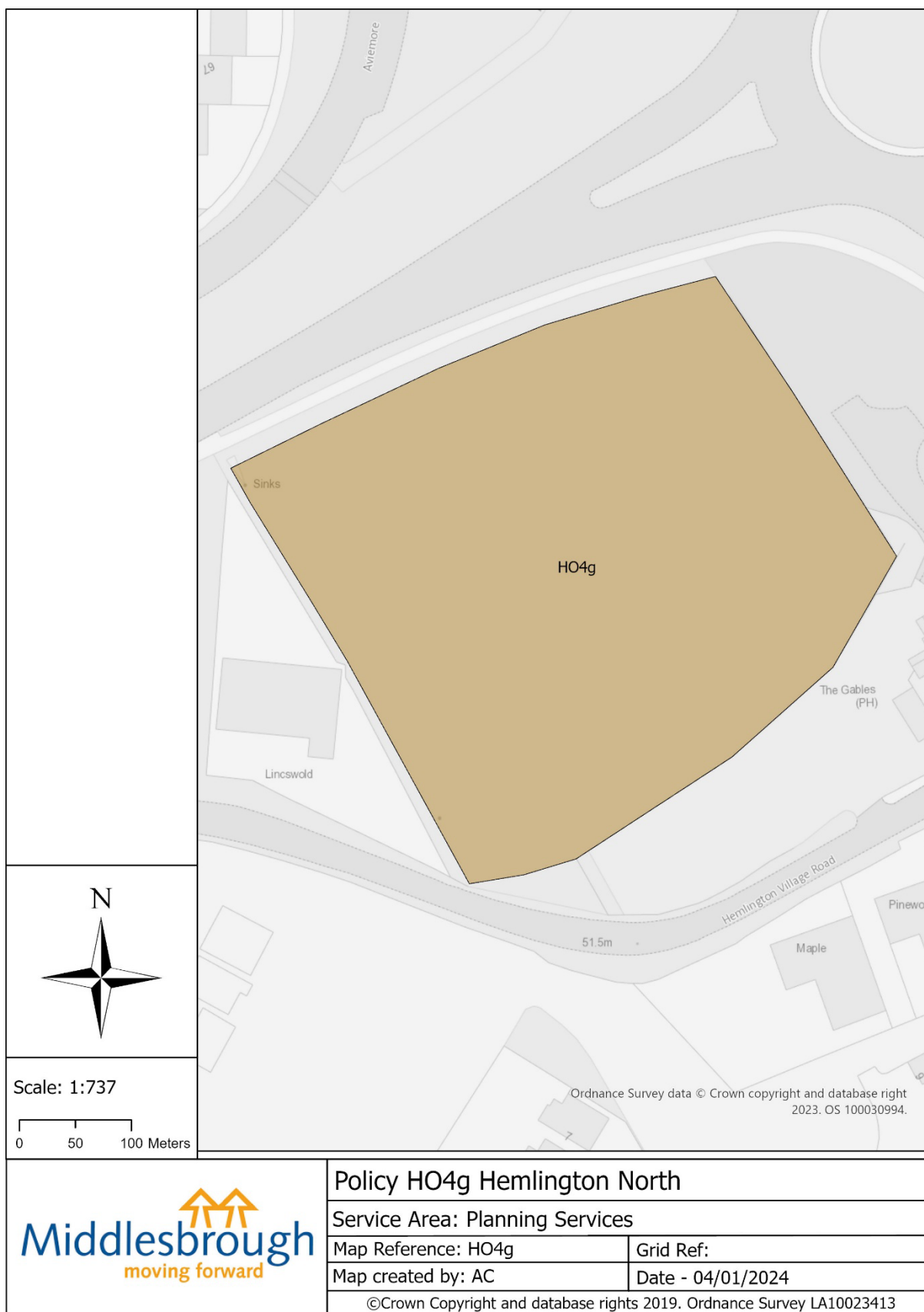


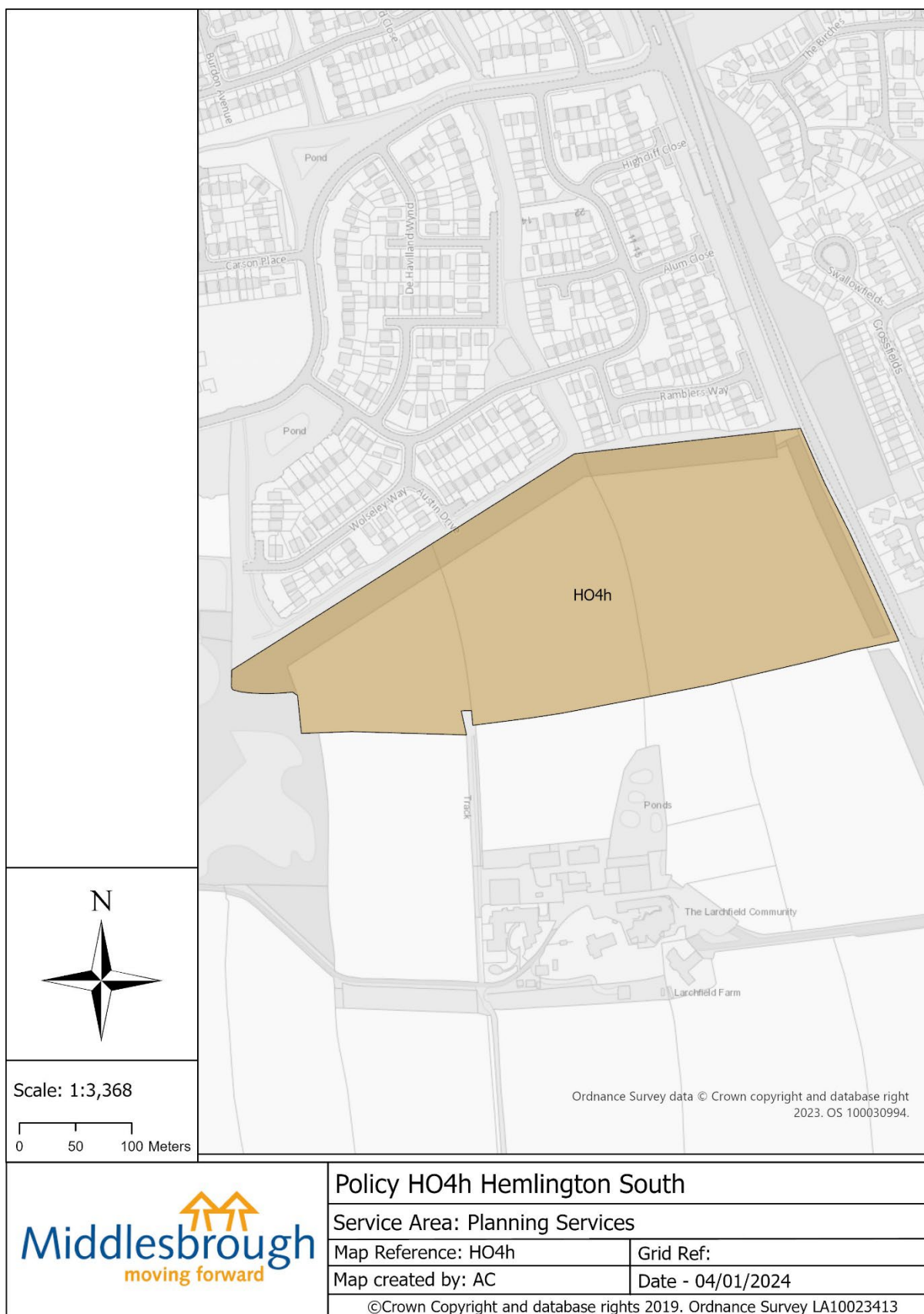


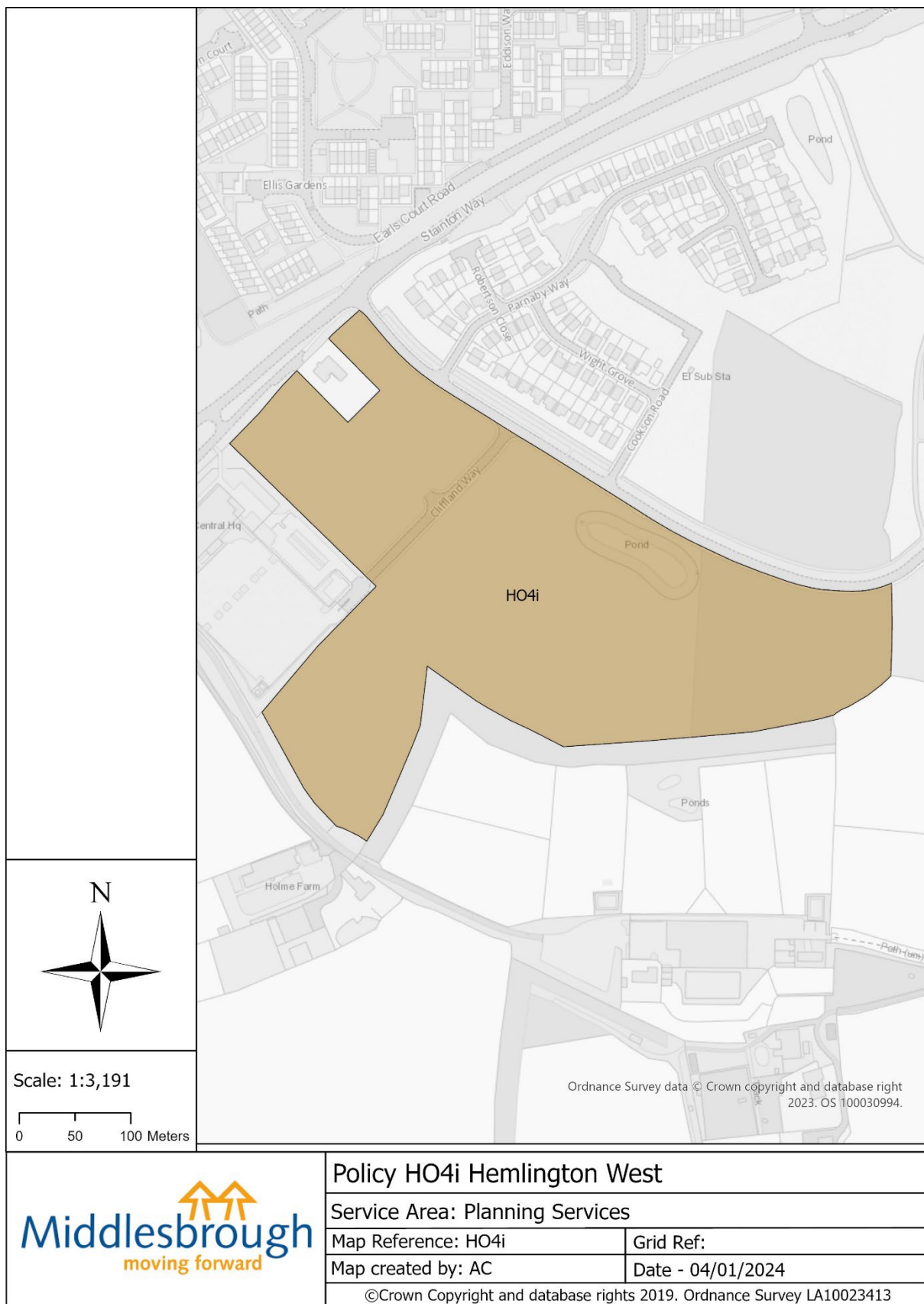


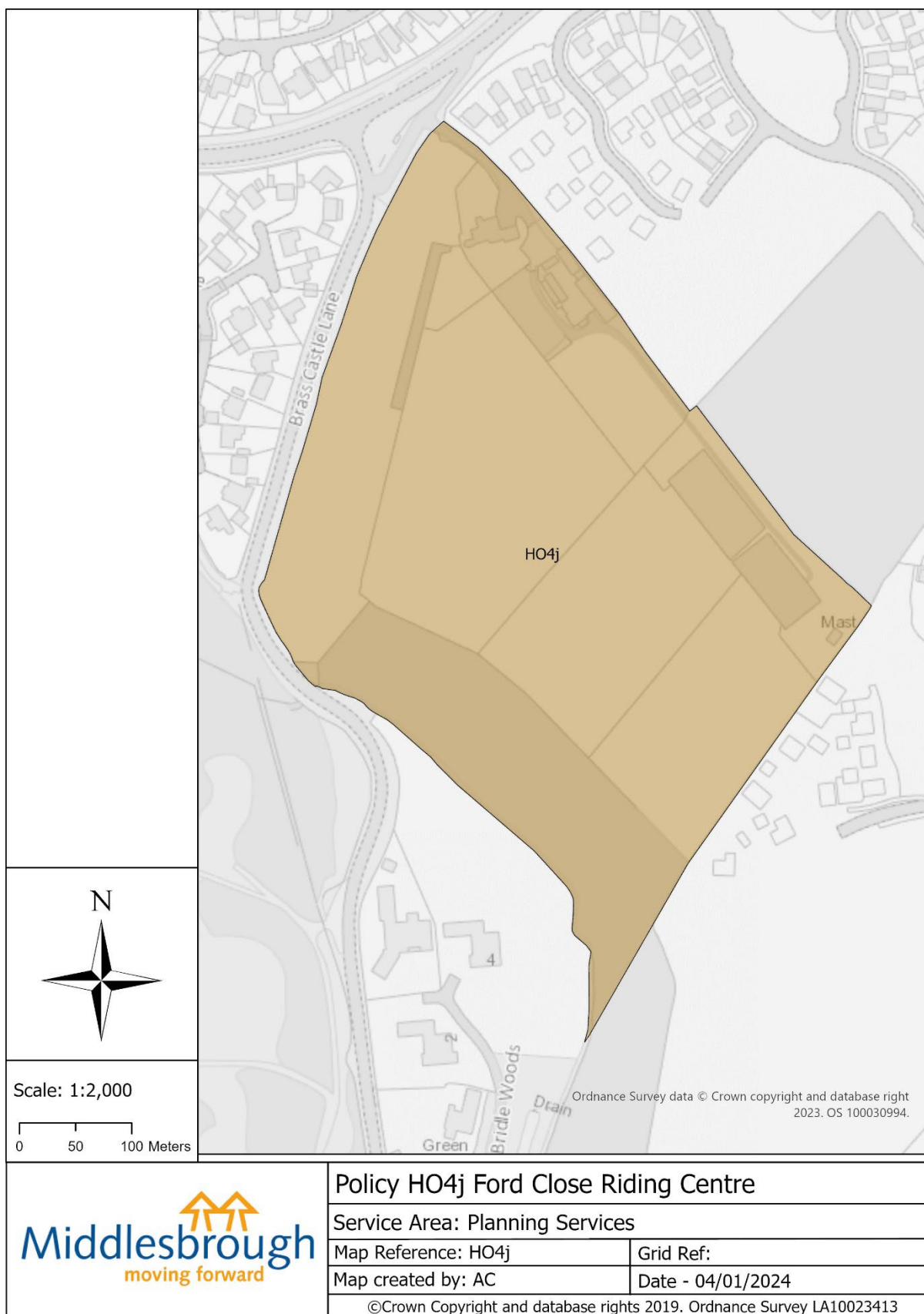


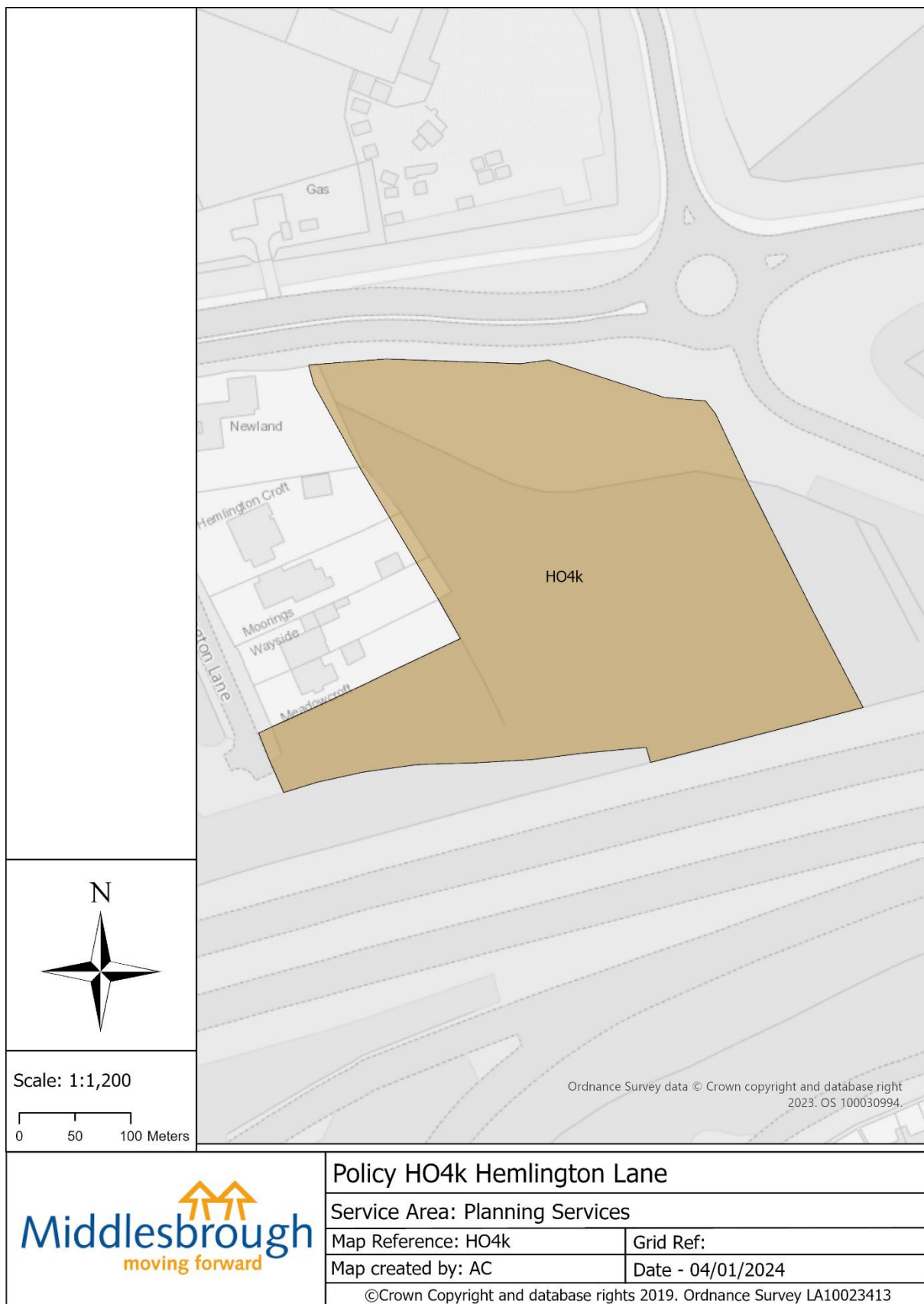


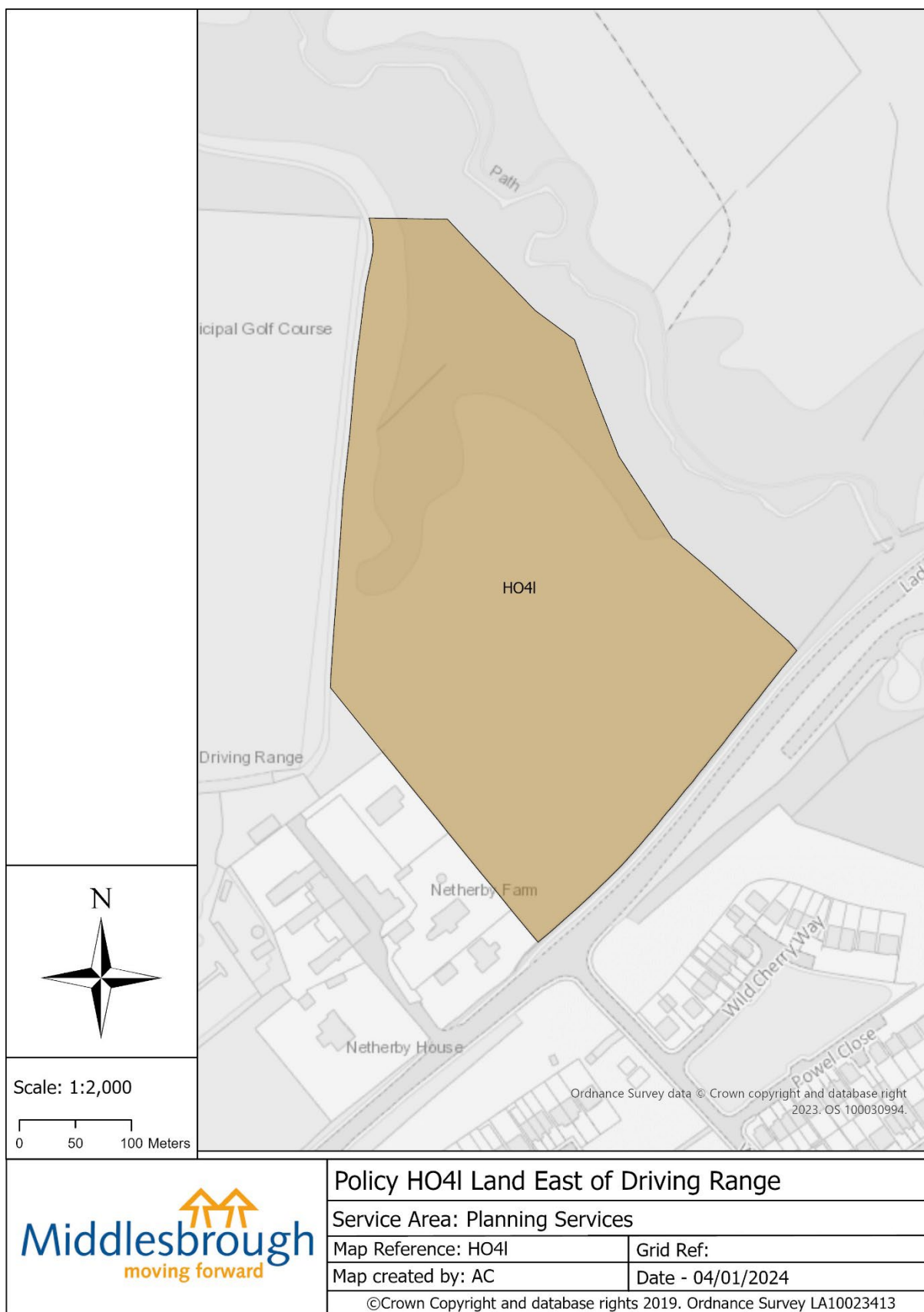


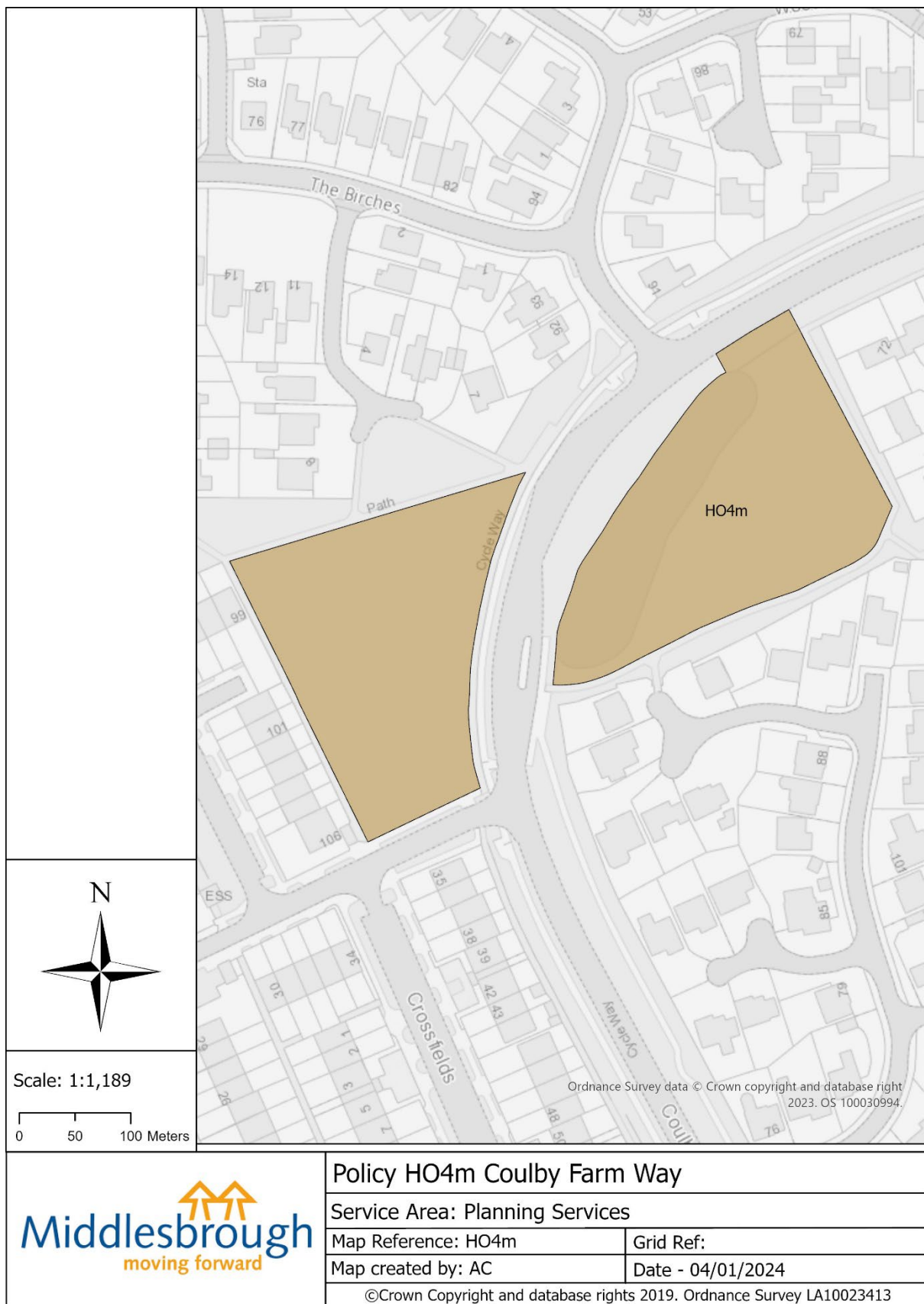


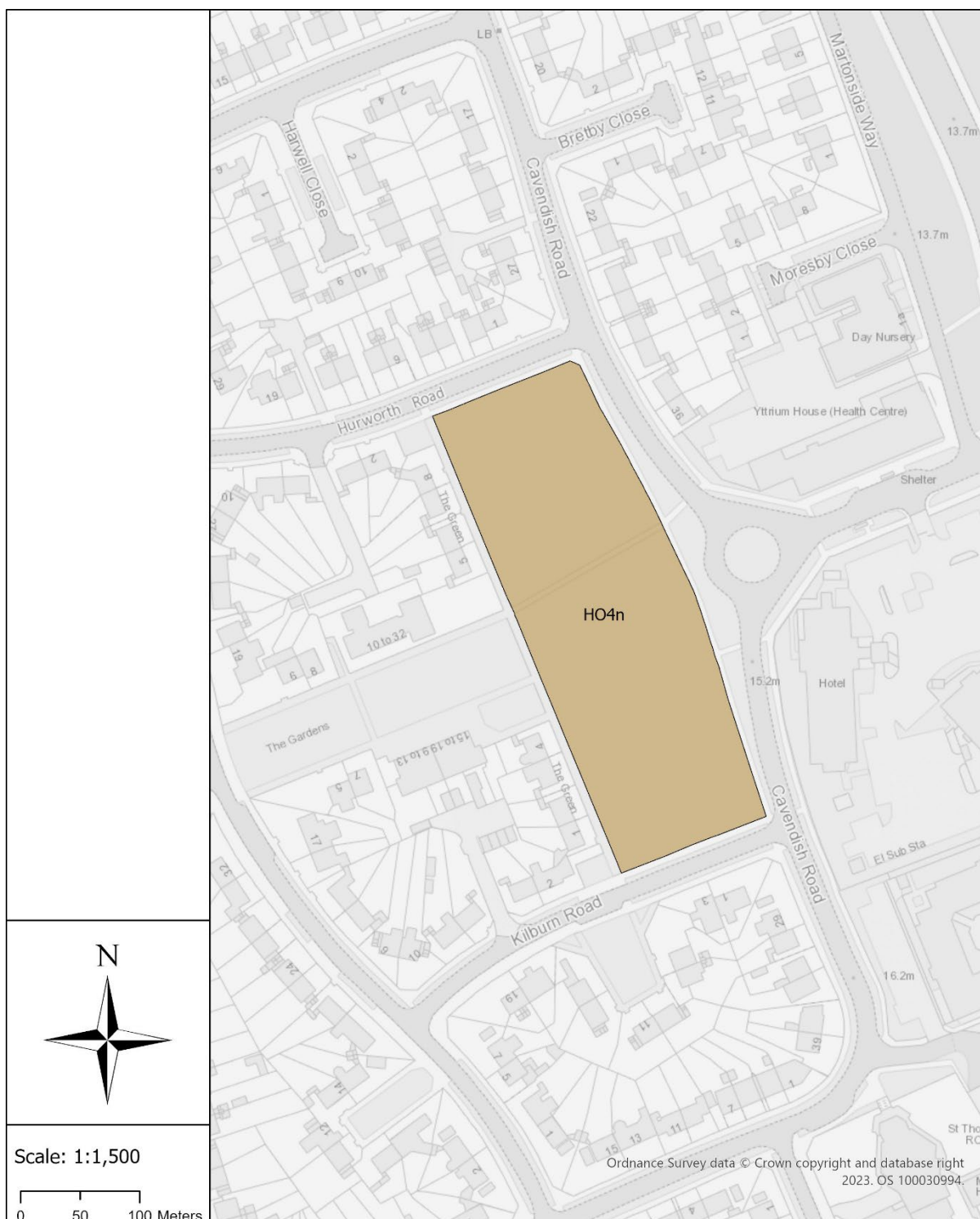





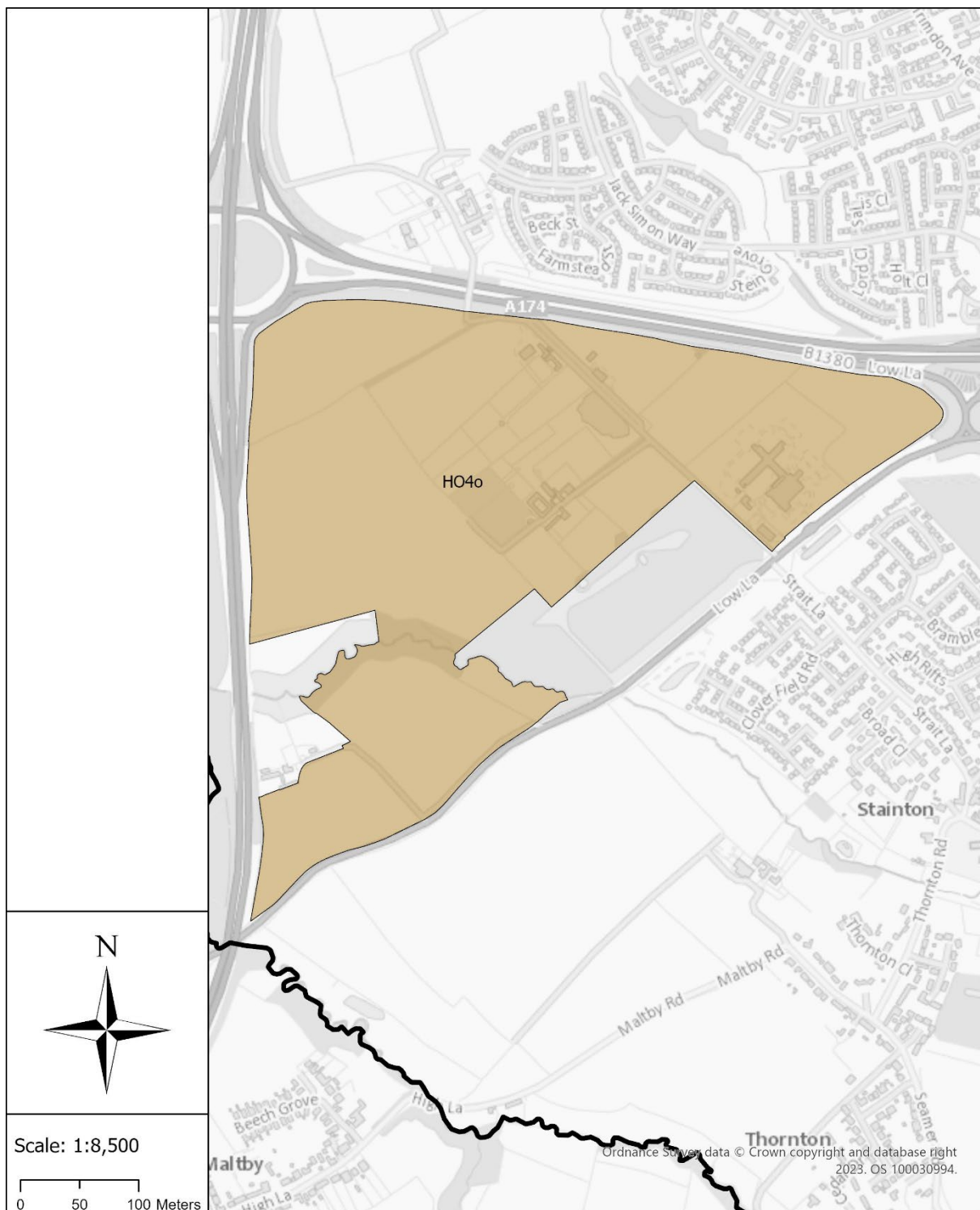


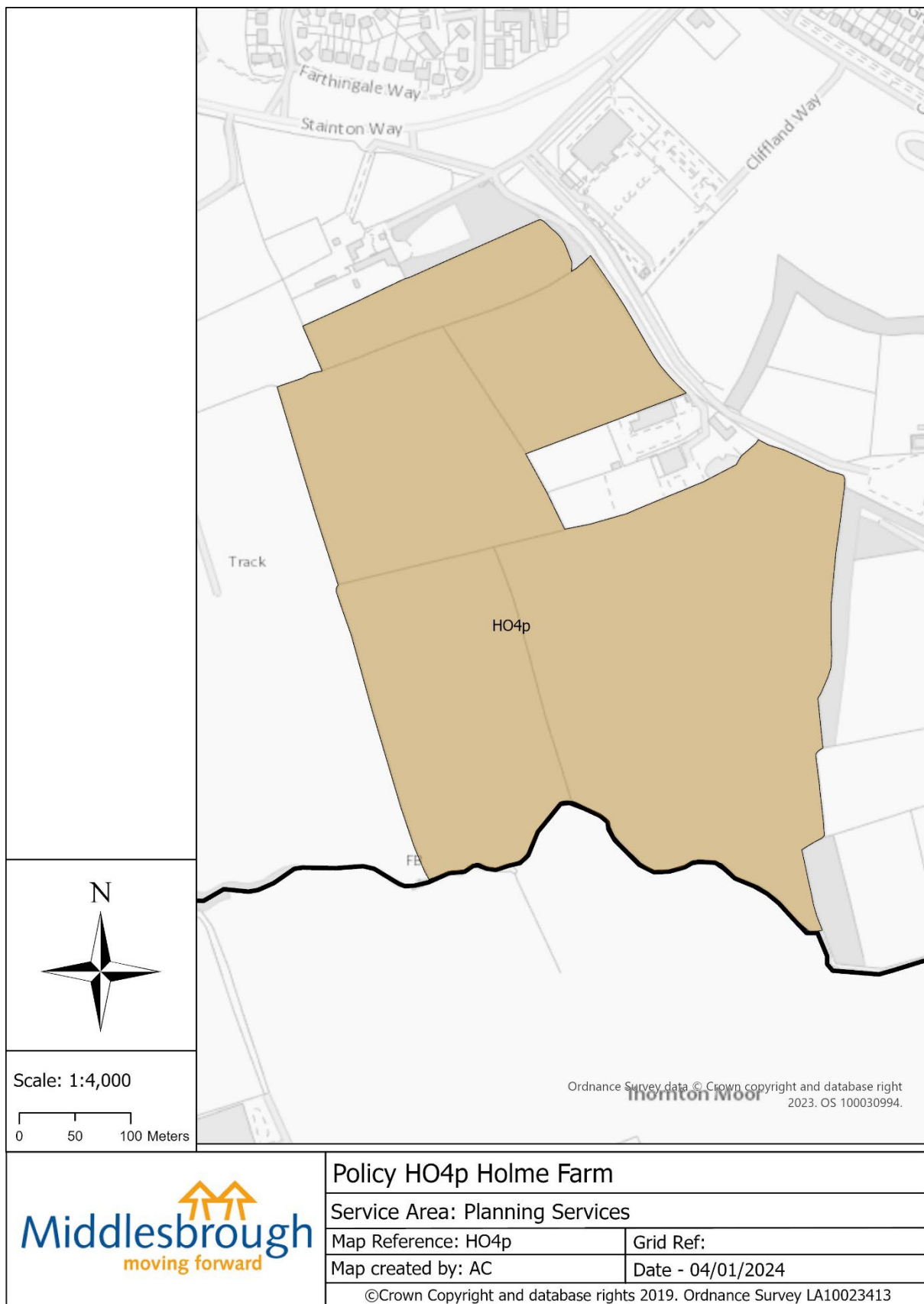


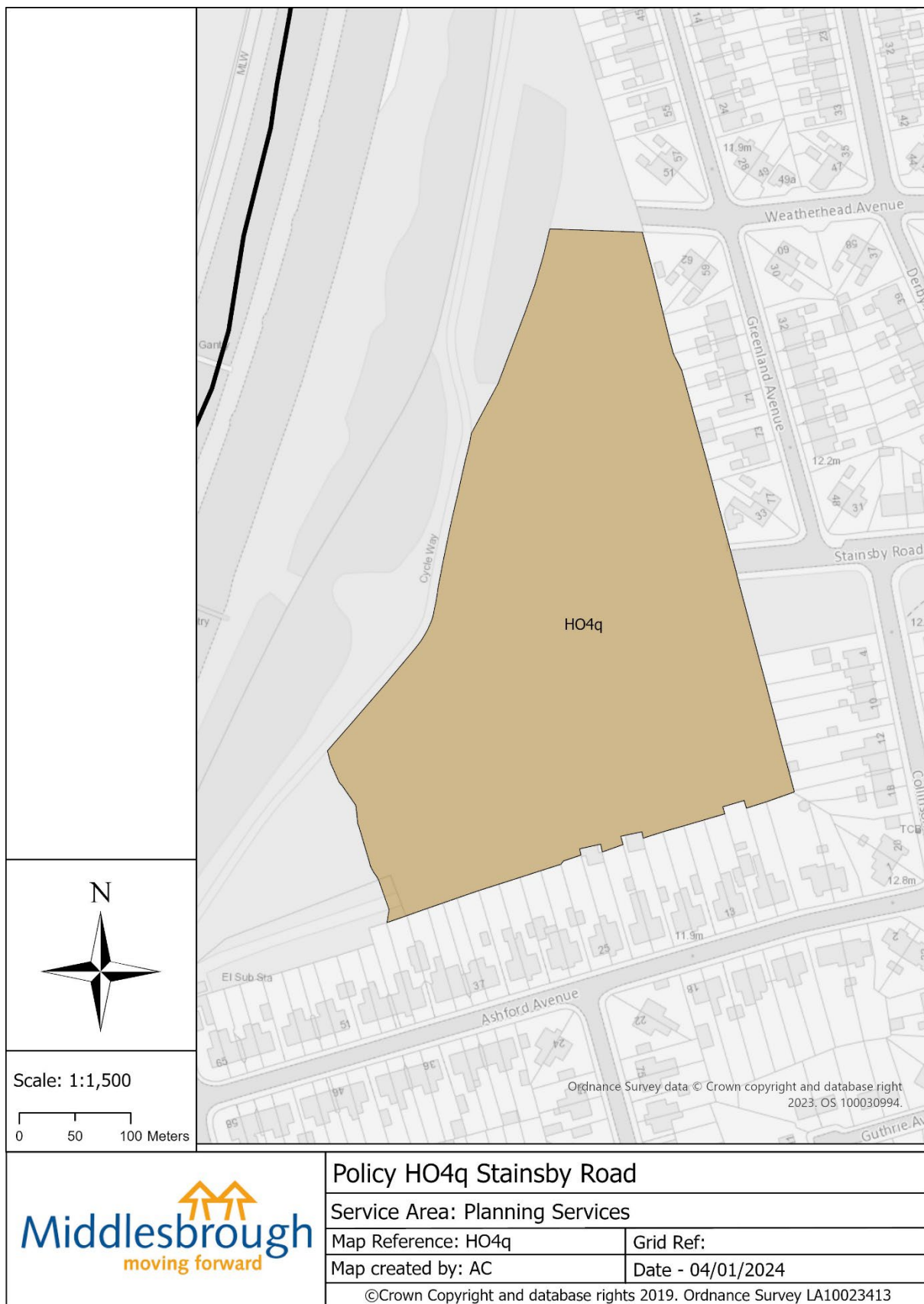


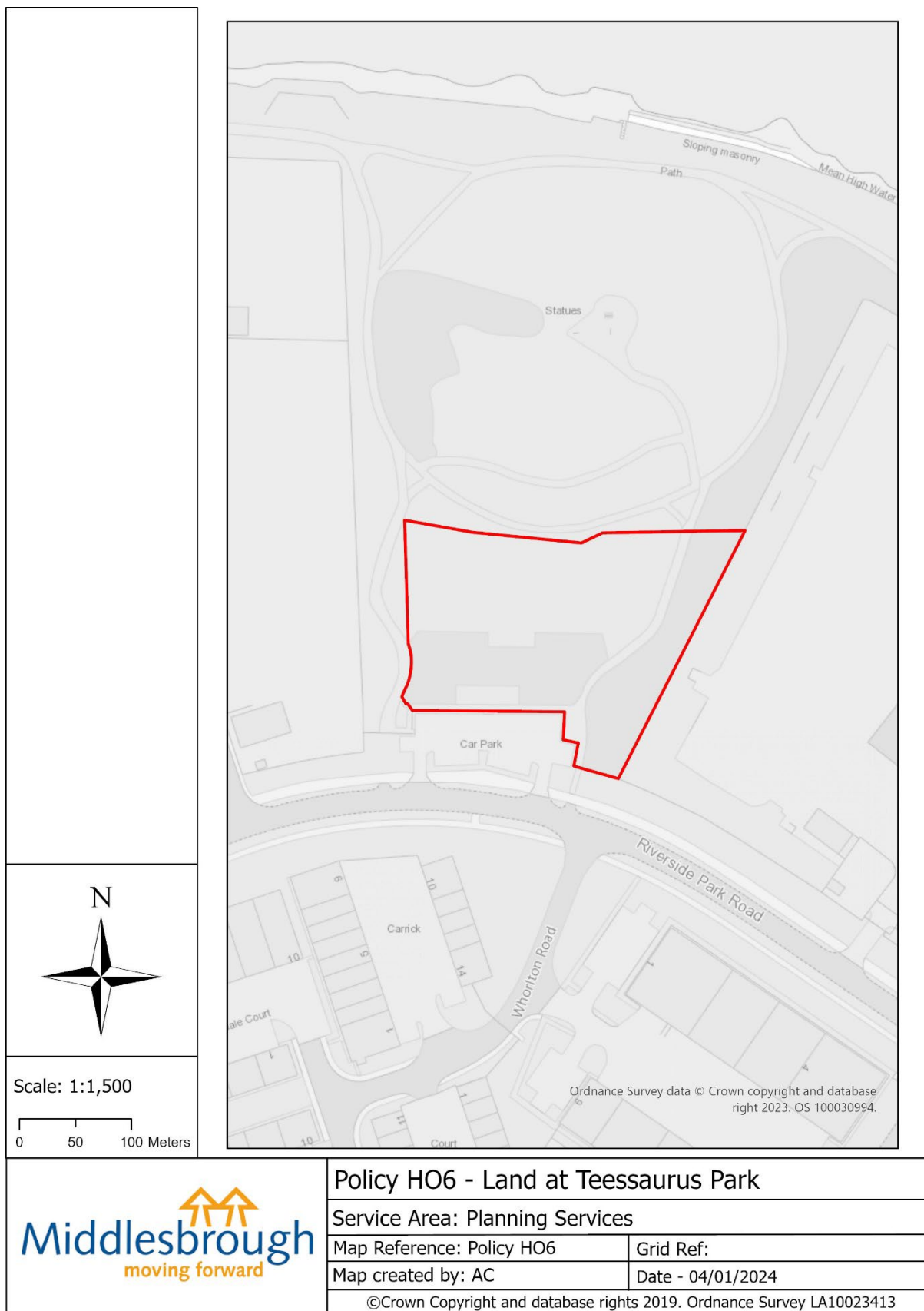


		Policy HO4n Land West of Cavendish Road	
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Map Reference: HO4n		Grid Ref:	
Map created by: AC		Date - 04/01/2024	
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Appendix 3. Strategic Policies

Chapter	Policy	Strategic/Non-strategic
Strategy and Vision	ST1 Development Strategy	Strategic
	ST2 Middlesbrough Development Corporation Area	Strategic
Creating Quality Places	CR1 Creating Quality Places	Strategic
	CR2 General Development Principles	Strategic
	CR3 Sustainable and High Quality Design	Strategic
	CR4 Developer Contributions	Non-strategic
	CR5 Development Limits	Non-strategic
	CR6 Tall and Large Buildings	Non-strategic
	CR7 Shopfront Design	Non-strategic
	CR8 Advertisements and Signage	Non-strategic
Economic Growth	EC1 Economic Strategy	Strategic
	EC2 Employment Locations	Strategic
	EC3 Alternative Use of Employment Land and Buildings	Non-strategic
	EC4 Middlehaven	Non-strategic
	EC5 University Campus	Non-strategic
	EC6 Culture	Strategic
	EC7 Town, District and Local Centres	Strategic
	EC8 Middlesbrough Town Centre	Strategic
	EC9 Civic, Commercial and Cultural Heart	Non-strategic
	EC10 Retail Quarter	Non-strategic
	EC11 Leisure Quarter	Non-strategic
	EC12 Independent Quarter	Non-strategic
	EC13 Railway Station and Historic Quarter	Non-strategic
	EC14 Linthorpe Road South Secondary Shopping Area	Non-strategic
	EC15 District and Local Centres	Non-strategic
	EC16 Hot Food Takeaways	Non-strategic
	EC17 Retail Development on Industrial Estates and Business Parks	Non-strategic
Housing Development	HO1 Housing Strategy	Strategic
	HO2 Housing Requirement	Strategic
	HO3 Housing Mix and Type	Strategic
	HO4 Housing Allocations	Strategic
	HO4a Stainsby	Strategic
	HO4b Newham Hall Farm	Strategic
	HO4c Grove Hill	Strategic
	HO4d Nunthorpe Grange	Strategic
	HO4e Former St David's School Site	Non-strategic
	HO4f Hemlington Grange	Strategic

	HO4g Hemlington North	Strategic
	HO4h Hemlington Grange South	Strategic
	HO4i Hemlington Grange West	Strategic
	HO4j Ford Close	Non-strategic
	HO4k Hemlington Lane	Non-strategic
	HO4l Land East of Municipal Golf Centre Driving Range	Non-strategic
	HO4m Coulby Farm Way	Non-strategic
	HO4n Land West of Cavendish Road	Non-strategic
	HO4o Land North of Low Lane, Stainton	Strategic
	HO4p Holme Farm	Strategic
	HO4q Land at Stainsby Road	Non-strategic
	HO5 Affordable Housing	Strategic
	HO6 Gypsy, Traveller and Travelling Showpeople	Non-strategic
	HO7 Space Standards for Residential Uses	Non-strategic
	HO8 Conversion and Sub-Division of Buildings for Residential Uses	Non-strategic
	HO9 Houses in Multiple Occupation (HMOs)	Non-strategic
	HO10 Student Accommodation	Non-strategic
	HO11 Self-build and Custom Build Housing	Non-strategic
Green and Blue Infrastructure	GR1 Green and Blue Infrastructure	Strategic
	GR2 Green Wedges	Non-strategic
	GR3 Existing Open Space, Sport and Recreation Facilities	Non-strategic
	GR4 New Open Space, Sport and Recreation Provision	Non-strategic
	GR5 Biodiversity and Geodiversity	Non-strategic
	GR6 Nutrient Neutrality Water Quality Effects	Non-strategic
	GR7 Climate Change and Flood Risk	Strategic
	GR8 Renewable and Low Carbon Energy	Non-strategic
Physical, Social and Environmental Infrastructure	IN1 Strategic Infrastructure Provision	Strategic
	IN2 Integrated Transport Strategy	Strategic
	IN3 Transport Requirements for New Development	Non-strategic
	IN4 Community Facilities	Non-strategic
	IN5 Education Provision	Strategic
	IN6 Health and Wellbeing	Strategic
	IN7 Digital and Communications Infrastructure	Non-strategic
	IN8 Burial Grounds	Non-strategic
Managing the Historic Environment	HI1 Strategic Historic Environment	Strategic

	HI2 Designated Historic Assets	Strategic
	HI3 Non-Designated Historic Assets	Non-strategic

Appendix 4. Superseded Policies

Saved Middlesbrough Local Plan Policy (1999)	Local Plan Policy
E2 Green Wedges	GR2 Green Wedges
E3 Development Adjoining Green Wedges	GR2 Green Wedges
E4 Greenlink Network	GR1 Green and Blue Infrastructure GR3 Existing Open Space, Sport and Recreation Facilities
E5 Teesdale Way	Deleted
E7 Primary Open Space	GR3 Existing Open Space, Sport and Recreation Facilities
E8 New Primary Open Space	GR4 New Open Space, Sport and Recreation Provision
E10 Secondary Open Space	GR3 Existing Open Space, Sport and Recreation Facilities
E13 Outdoor Sports, Proposals	Deleted
E20 Limit to Urban Development	CR5 Development Limits
E21 Special Landscape Areas	Deleted
E22 New Housing In Countryside	CR5 Development Limits
E23 Conversion of Rural Buildings	CR5 Development Limits
E24 Conversion of Rural Buildings for Residential Purpose	CR5 Development Limits
E25 Stables and Similar Structures	Deleted
E28 Recreational Uses in the Countryside	Deleted
COM4 Cemetery, Acklam	IN8 Burial Grounds
U2 Telecommunications	IN7 Digital and Communications Infrastructure

Core Strategy Policy (2008)	Local Plan Policy
CS4 Sustainable Development	CR2 General Development Principles
CS5 Design	CR3 Sustainable and High Quality Design
CS6 Developer Contributions	CR4 Development Contributions
CS7 Economic Strategy	EC1 Economic Strategy
CS8 Existing Employment Provision	EC2 Employment Locations
CS10 Replacement dwellings	HO1 Housing Strategy
CS13 A Strategy for the Town, District, Local and Neighbourhood Centres	EC7 Town, District and Local Centres
CS14 Leisure Development	EC7 Town, District and Local Centres EC11 Leisure Quarter
CS15 Casinos	Deleted
CS16 Education	IN5 Education Provision
CS18 Demand Management	IN2 Integrated Transport Strategy
CS19 Road Safety	IN3 Transport Requirements for New Development
CS21 Blue Green Heart	Deleted

Regeneration DPD Policy (2009)	Local Plan Policy
REG7 Hemlington Regeneration Area	Deleted

REG9 Abingdon	Deleted
REG10 North Ormesby	Deleted
REG12 Employment Land Allocations	EC2 Employment Locations
REG13 Riverside Park	EC2 Employment Locations
REG14 Riverside Park – Southwest Ironmasters	EC2 Employment Locations
REG15 Riverside Park – Enterprise Centre	Deleted
REG16 East Middlesbrough Business Action Zone	EC2 Employment Locations
REG17 Green Blue Heart	Deleted
REG20 Principal Use Sectors	EC8 Middlesbrough Town Centre
REG21 Primary Shopping Frontage	EC8 Middlesbrough Town Centre EC10 Retail Quarter
REG22 Cannon Park Development Criteria	Deleted
REG23 Middlehaven Sector	EC4 Middlehaven
REG24 The Southern Sector	EC5 University Campus EC8 Middlesbrough Town Centre
REG25 Centre Square East	EC9 Civic, Commercial and Cultural Heart
REG26 Gurney Street Triangle	Deleted
REG27 Middlesbrough Leisure Park – Development Site	Deleted
REG28 District Centres	EC15 District and Local Centres
REG29 Local Centres	EC15 District and Local Centres
REG30 Neighbourhood Centre	EC15 District and Local Centres
REG31 Prissick Base	GR3 Existing Open Space, Sport and Recreation Facilities
REG32 St Luke’s Hospital	Deleted
REG33 Cargo Fleet Medical Centre	Deleted
REG34 East Middlesbrough Transport Corridor	Deleted
REG36 Zetland Car Park	Deleted
REG37 Bus Network ‘Super Core’ and ‘Core’ Routes	IN2 Integrated Transport Strategy

Housing Local Plan Policy (2014)	Local Plan Policy
H1 Spatial Strategy	ST1 Development Strategy HO1 Housing Strategy HO2 Housing Requirement EC1 Economic Strategy
H2 Greater Middlehaven	EG4 Middlehaven
H3 Inner Middlesbrough (Gresham, Acklam Green, Grove Hill)	HO4c Grove Hill ST2 Middlesbrough Development Corporation
H4 Prissick	Delete
H5 Brookfield	HO4a Stainsby
H6 Ladgate Lane	Delete
H7 Hemlington Grange	HO4f Hemington Grange HO4g Hemlington North HO4h Hemlington Grange South HO4i Hemlington Grange West
H8 Coulby Newham	HO4b Newham Hall Farm
H9 Stainton	Deleted

H10 Nunthorpe	HO4d Nunthorpe Grange
H11 Housing Strategy	HO1 Housing Strategy
H12 Affordable Housing	HO5 Affordable Housing
H13 Provision for Gypsies and Travellers and Travelling Showpeople	HO6 Gypsy, Traveller and Travelling Showpeople Accommodation
CS17 Transport Strategy	IN2 Integrated Transport Strategy
CS20 Green Infrastructure	GR1 Green and Blue Infrastructure
H14 Greater Middlehaven – Mix of Uses and Phasing	EC4 Middlehaven
H15 Greater Middlehaven – Development and Design Principles	EC4 Middlehaven
H16 Greater Middlehaven – Transport Infrastructure	EC4 Middlehaven
H17 – Gresham/Jewel Street Area	ST2 Middlesbrough Development Corporation
H18 Acklam Green	Deleted
H19 Grove Hill	HO4c Grove Hill
H20 Prissick	Deleted
H21 Brookfield	HO4a Stainsby
H22 Land South of Ladgate Lane (Cleveland Police Authority Headquarters Site)	Deleted
H23 Hemlington Grange	HO4f Hemlington Grange HO4g Hemlington North HO4h Hemlington Grange South HO4i Hemlington Grange West
H24 Hemlington Grange – Employment Use	Deleted
H25 Hemlington Grange – Transport Infrastructure	HO4f Hemlington Grange
H26 Coulby Newham	HO4b Newham Hall Farm
H27 Stainton	Deleted
H28 Land at Grey Towers Farm	Deleted
H29 Land at Nunthorpe, South of Guisborough Road	HO4d Nunthorpe Grange
H30 Land at Ford Close Riding School	HO4j Ford Close Riding Centre
H31 Housing Allocations	HO4 Housing Allocations
H32 Clairville	Deleted
H33 Acklam Iron & Steelworks Club	Deleted
H34 St David's (Former RC School Site)	HO4e Former St David's School
H35 Beechwood	Deleted
H36 Low Gill	Deleted
H37 Gypsy and Travelling Showpeople	HO6 Gypsy, Traveller and Travelling Showpeople Accommodation

Legend

- Town Boundary

Housing Allocations

Employment Sites

Primary Open Space

River Tees / Dock
- MDC Boundary

Town Centre Boundary

Major Roads

Main Roads

Rail Line

Stainton Way West Extension
- Rail Station

Bus Station

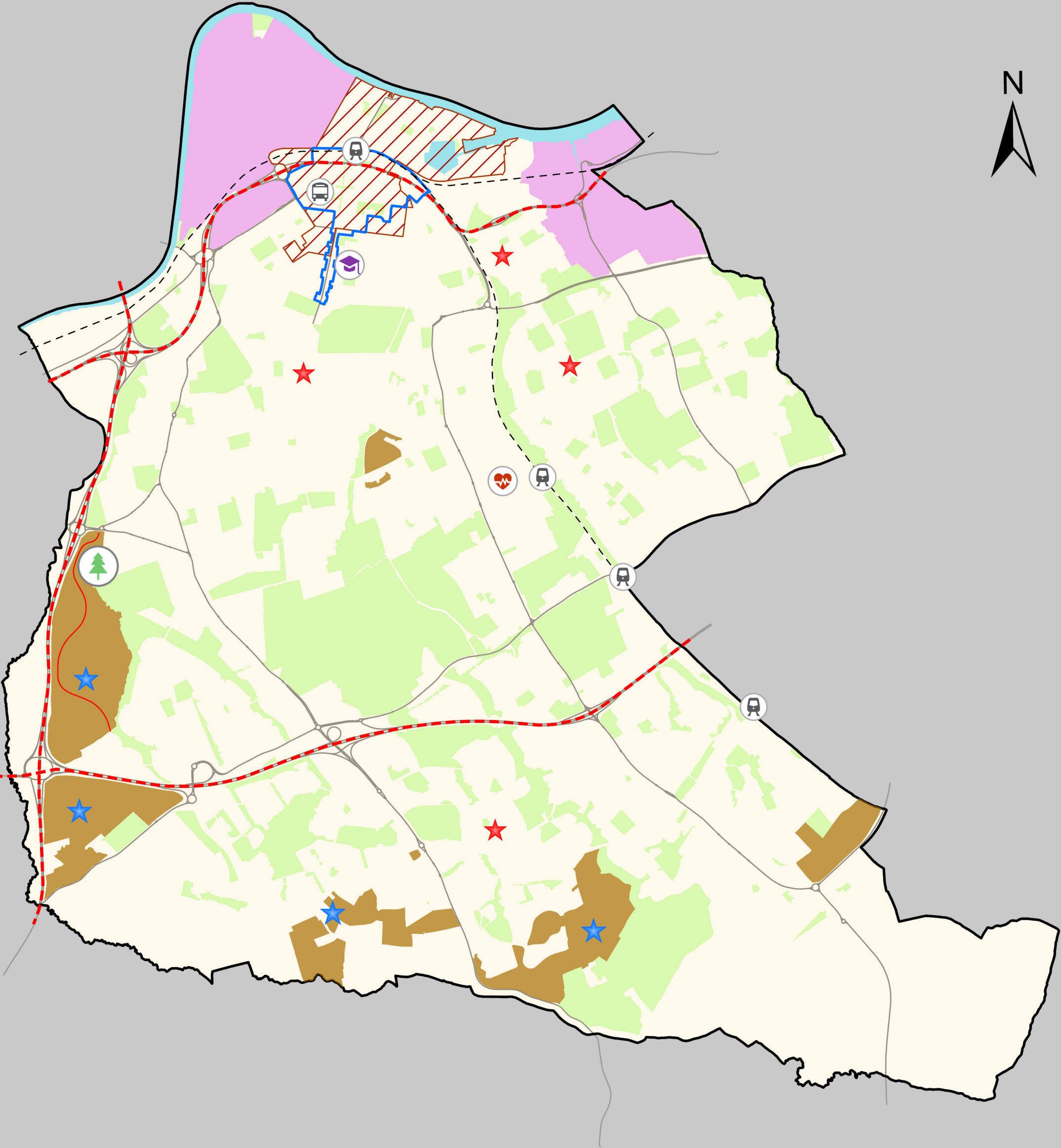
Teesside University

James Cook Hospital

Proposed Local Centre

District Centre

Stainsby Country Park



Appendix 6. Housing Trajectory

Completions and sites with planning permission at 01.04.23

Site Name	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Total 2022/23 to 2040/41	Post 2041
Completed sites	96	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Newbridge Court	-	24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	24	-
Acklam Gardens	37	32	32	32	32	8	-	-	-	-	-	-	-	-	-	-	-	-	-	136	-
College Gardens	37	14	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	14	-
Former Milford & Portland House and Jupiter Court	-	-	50	50	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	105	-
15-25 Albert Road	-	-	-	-	-	10	-	-	-	-	-	-	-	-	-	-	-	-	-	10	-
4-6 Park Road North	-	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-
Church House	-	-	-	86	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	86	-
304 Linthorpe Road & 5 Albert Terrace	-	21	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	21	-
Jayden House (2-4 Granville Road)	-	11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	11	-
Middlehaven - BoHo Village	22	39	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	39	-
107 - 109 Linthorpe Road	-	-	-	-	-	-	10	-	-	-	-	-	-	-	-	-	-	-	-	10	-
124 - 130 Linthorpe Road	-	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-
Harrison House	-	-	-	-	-	-	95	-	-	-	-	-	-	-	-	-	-	-	-	95	-
242 Marton Road	-	-	-	-	17	-	-	-	-	-	-	-	-	-	-	-	-	-	-	17	-
Ladgate Woods	66	33	33	33	33	33	33	33	-	-	-	-	-	-	-	-	-	-	-	231	-
115 Burlam Road	-	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10	-
Land at Grove Hill	-	11	66	76	72	71	-	-	-	-	-	-	-	-	-	-	-	-	-	296	-
Bracken Grange	114	39	39	8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	86	-
Rowan Park	-	31	31	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	72	-
Union Village Phase 1	-	50	50	45	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	145	-
Grey Towers Village	60	33	33	33	33	33	1	-	-	-	-	-	-	-	-	-	-	-	-	166	-
Nunthorpe Hall Farm buildings	-	-	-	-	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	-
91-97 St Barnabas Road	-	-	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-
Dorman House	-	47	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	47	-
406 Linthorpe Road (Albert Park Hotel)	-	-	-	-	-	-	22	-	-	-	-	-	-	-	-	-	-	-	-	22	-
Hemlington Grange	137	109	52	32	32	32	32	32	32	32	32	32	32	32	32	32	31	-	-	608	-
Stainsby	31	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	-
Sites under 5 dwellings with planning permission (23% lapse rate used)	-	22	22	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	56	-
Total	600	550	414	417	236	187	193	65	32	32	32	32	32	32	32	32	31	0	0	2949	0

Existing allocations without planning permission at 01.04.23

[illegible]

Net demolitions

[illegible]

New allocations

Site Name	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Total 2022/23 to 2040/41	Post 2041
Land at Stainsby Road	-	-	-	-	-	-	30	17	-	-	-	-	-	-	-	-	-	-	-	47	-
Coulby Farm Way East	-	-	-	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	-
Coulby Farm Way West	-	-	-	11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	11	-
Hemlington Lane	-	-	-	-	18	-	-	-	-	-	-	-	-	-	-	-	-	-	-	18	-
Land East of Driving Range	-	-	-	-	-	30	30	17	-	-	-	-	-	-	-	-	-	-	-	77	-
Land West of Cavendish Road	-	-	-	-	16	-	-	-	-	-	-	-	-	-	-	-	-	-	-	16	-
Land North of Low Lane	-	-	-	-	40	60	60	60	60	60	60	60	60	60	60	60	-	-	-	700	-
Hemlington Grange West	-	-	-	-	-	30	35	35	35	35	-	-	-	-	-	-	-	-	-	170	-
Holme Farm	-	-	-	-	-	-	35	35	35	35	35	35	35	35	35	35	35	35	10	430	-
Total	0	0	0	17	74	120	190	164	130	130	95	95	95	95	95	95	35	35	10	1475	-

Small sites windfall allowance

[illegible]

Middlesbrough Mayoral Development Corporation*

Site Name	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Total 2022/23 to 2040/41	Post 2041
Station Street	-	-	-	-	-	-	140	-	-	-	-	-	-	-	-	-	-	-	-	140	-
Unidentified sites to meet 1500 MDC delivery strategy	-	-	-	-	-	-	60	60	60	60	60	60	60	60	60	23	-	-	-	563	-
Total	0	0	0	0	0	0	200	60	60	60	60	60	60	60	60	23	0	0	0	703	-

* Excludes 145 dwellings at Union Village Phase I and 86 dwellings at Church House included in 'Sites with Planning Permission', and 500 dwellings at Middlehaven and 66 dwellings at Union Village Phase II included in 'Existing Allocations'

Housing Delivery - Overall Total

Site Name	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Total 2022/23 to 2040/41	Post 2041
All Sites	600	550	414	231	470	557	978	579	491	438	408	408	408	408	408	371	287	256	226	8488	320

Appendix 7 Housing Sites Within Each Neighbourhood Area

Gresham Neighbourhood Plan Area	Completions 2022/2023	Projected dwellings 2023/24 to 2040/41	Total for plan period	Post 2041
Union Village Phase 1		145	145	
Union Village Phase 2		66	66	
114-118 Parliament Road	6		6	
Total	6	211	217	

Marton West Neighbourhood Plan Area	Completions 2022/2023	Projected dwellings 2023/24 to 2040/41	Total for plan period	Post 2041
Ford Close Riding School		45	45	
Grey Towers Village	25	52	77	
Total	25	97	122	

Stainton & Thornton Neighbourhood Plan Area	Completions 2022/2023	Projected dwellings 2023/24 to 2040/41	Total for plan period	Post 2041
Land north of Low Lane		700	700	
Hemlington North		35	35	
Hemlington Grange TW	137	608	745	
Hemlington Grange South		130	130	
Hemlington Grange West		170	170	
Holme Farm		430	430	
Total	137	2073	2210	

Nunthorpe Neighbourhood plan Area*	Completions 2022/2023	Projected dwellings 2023/24 to 2040/41	Total for plan period	Post 2041
Grey Towers Village	35	114	149	
Nunthorpe Grange		250	250	
Nunthorpe Hall Farm Buildings		12	12	
Total	35	376	411	

*Figures relate to the part of the NP area in Middlesbrough only

Coulby Newham Neighbourhood Plan Area	Completions 2022/2023	Projected dwellings 2023/24 to 2040/41	Total for plan period	Post 2041
Newham Hall Farm		780	780	320
Coulby Farm Way		17	17	
Total		797	797	320

Marton East Neighbourhood Plan Area	Completions 2022/2023	Projected dwellings 2023/24 to 2040/41	Total for plan period	Post 2041
Bracken Grange	114	86	200	
Rowan Park		72	72	
Total	114	158	272	

Appendix 8. Nationally Described Space Standards

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

* Notes (added 19 May 2016):

1. Built-in storage areas are included within the overall GIAs and include an allowance of 0.5m² for fixed services or equipment such as a hot water cylinder, boiler or heat exchanger.

2. GIAs for one storey dwellings include enough space for one bathroom and one additional WC (or shower room) in dwellings with 5 or more bedspaces. GIAs for two and three storey dwellings include enough space for one bathroom and one additional WC (or shower room). Additional sanitary facilities may be included without increasing the GIA provided that all aspects of the space standard have been met.

3. Where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from 39m² to 37m², as shown bracketed.

4. Furnished layouts are not required to demonstrate compliance.

Appendix 9. Green and Blue Infrastructure Checklist

1 | Strengthening the nature recovery network

Has the development taken into account its position as part of the habitat network mapped as part of Priority Opportunity 1 of this Strategy? And does the design include features which respond to filling 'gaps' in this network?

2 | Links to the walking and cycling network

Is the development designed to make walking and cycling the 'mode of choice' in line with national policy? Do routes through the development provide easy access to green corridors? Does the development illustrate full integration of Sport England's 'Active Design' principles?

3 | Biodiversity 'micro features'

Are 'hedgehog highways', swift boxes, bat boxes and similar features provided at new development unless there is a well justified reason not to?

SuDs

Where SuDS are required, are they designed To: serve as attractive recreational features? Respond to the wider landscape? Provide additional habitats for wildlife? Is educational material provided to users? Do they meet the Tees Valley Authorities Local Standards for Sustainable Drainage (2017)?

5 | Amenity grass land

Have all opportunities been considered to create wildflower planting or other areas of richer habitats within areas of amenity grassland provided, rather than mono-functional landscaping?

6 | Natural surveillance

Are green spaces overlooked by adjacent properties and busy public spaces?

7 | Growing space

Has community growing space been provided at residential sites unless there is a well justified reason that this is not possible?

8 | School Routes

Do routes through the development link into local walking and cycling paths to local primary schools serving the development? Will residents be discouraged from using the private car for the school run?

9 | Safe streets

Have all opportunities been taken to incorporate filtered roads 'home ones and 'low traffic neighbourhoods in line withustrans guidance Have GBI features (such as parklets, street trees, seating and rain gardens) been integrated into the layout?

10 | Play

Are play spaces designed to be multifunctional GBI assets and to allow for self-led independent play, based on best practice? And are play areas available within walking distance?

11 | Long term stewardship

Are adequate procedures and funding in place for GBI features to be managed sustainably over the next 20-30 years?

Appendix 10: Glossary

Phrase	Definition
Active Travel	Methods of travel that involve physical activity, such as walking, wheeling, or cycling.
Adoption	The approval, after independent examination, of the final version of a Local Plan by a local authority for future planning policy and decision making.
Affordable Housing	Homes, including affordable rented, social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market.
Allocations	Areas that are identified for a specific use on the Local Plan Policies Map, such as housing or employment allocations.
Amenity	The quality or character of an area and the elements that contribute towards its overall enjoyment.
Appropriate Assessment	An appropriate assessment, also known as a Habitat Regulations Assessment (HRA), is a formal assessment of a plan or project that determines its potential effect on protected features of a habitats site, i.e. any site included within the definition of regulation 8 of the Conservation of Habitats and Species Regulations 2017 (as amended).
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.
Article 4 Direction	A direction which withdraws some or all permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
Authority Monitoring Report (AMR)	An annual report that assesses the progress of the Local Development Scheme and the extent to which policies in Local Development Documents are being successfully implemented. It is also known as an 'Annual Monitoring Report'.
Biodiversity	The whole variety of life encompassing all genetics, species and ecosystem variations, including plants and animals, and the natural systems that support them.
Biodiversity Net Gain	An approach to development that ensures biodiversity is left in a measurably better state than before.
Brownfield Register	A register of previously developed land that the Local Planning Authority consider to be appropriate for residential development.

Phrase	Definition
Build to Rent	Purpose built housing that is typically 100% rented out. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.
Climate Change Adaption	Adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities.
Climate Change Mitigation	Action to reduce the impact of human activity on the climate system, primarily through the reduction of greenhouse gas emissions.
Community Infrastructure Levy (CIL)	A charge which can be levied by local planning authorities on new development in their area.
Comparison Goods	Retail items that are not bought on a frequent basis, for example televisions and white goods (fridges, dishwashers etc.).
Compulsory Purchase Order (CPO)	A legal mechanism that can be used by local authorities and other 'acquiring authorities' to acquire land or buildings without the consent of the owner. The use of CPOs can support the delivery of development, regeneration, and infrastructure projects that are in the public interest.
Conservation Area	An area of special historic and/or architectural interest which is designated by the Local Planning Authority as being important to conserve and enhance. Special planning controls apply within these areas, including the curtailment of some permitted development rights.
Deliverable	To be considered deliverable, sites for housing 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.
Design and Access Statement	A report that explains how a development proposal incorporates good design principles and demonstrates that it can be adequately accessed by prospective users.
Design Code	A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area.
Developer Contributions	A collective term that is mainly used to refer to the Community Infrastructure Levy (CIL) and Planning Obligations (commonly referred to as 'Section 106' or 'S106' obligations). These are tools that can be used to secure financial and/or non-financial contributions towards the provision of infrastructure that supports development and mitigates its impact.

Phrase	Definition
Development Plan	A document that sets out the Local Planning Authority's policies and proposals for the development and use of land and buildings in their area. This includes adopted Local Plans and neighbourhood plans, and is defined in section 38 of the Planning and Compulsory Purchase Act 2004.
Development Plan Documents (DPDs)	The key statutory documents prepared by a local planning authority that set out its vision, strategy and policies for the area. DPDs must include the Local Plan and an adopted Policies Map. All DPDs are subject to public consultation and independent examination.
Duty to Cooperate	A duty that requires local authorities and other public bodies to work together and engage constructively, actively and on an ongoing basis on planning issues in the preparation of Local Plans.
Edge of Centre	For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of the 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.
Evidence Base	The information and data collated by local authorities to support the policy approach set out in the Local Plan.
Examination	The process by which an independent Planning Inspector considers whether a Development Plan Document is 'sound' before it can be adopted.
Exception test	An assessment that examines a developments vulnerability to flooding and any sustainability benefits that it would provide to the community. The National Planning Policy Framework and associated Planning Practice Guidance sets out instances when an exception test is required and what needs to be demonstrated in order to pass it.
Executive Dwellings	High quality detached accommodation typically of 4+ bedrooms, set in their own grounds in the region of 7 dwellings per hectare. They are suited to the needs and aspirations of higher income households and are likely to be in Council Tax bands of F, G or H.
Frontage	<p>The boundary of a building that faces onto the street.</p> <p>An 'active' or 'live' frontage refers to ground floors of buildings that have windows and doors facing onto the street. By forming views into and out of buildings, such frontages create a connection between the life inside a building and the street it faces. As well as generating interest and activity, they can also provide natural surveillance.</p>

Phrase	Definition
Flood Risk Assessment	An assessment of the likelihood of flooding in a particular area so that development needs and mitigation measures can be considered. While they can be undertaken to assess the risk of flooding of a particular development site, they can be prepared at a range of scales.
Geodiversity	The variety of rocks, minerals, fossils, landforms, sediments and soils.
Green and Blue Infrastructure (GBI)	A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.
Green Wedge	Large tracts of mainly undeveloped land that form a major element of the green infrastructure network. They prevent the merging of urban areas and neighbourhoods and/or provide an accessible recreational resource.
Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA)	An assessment that identifies the current and future accommodation needs of gypsy, traveller and travelling showpeople.
Habitat Regulations Assessment (HRA)	See 'Appropriate Assessment'.
Health Impact Assessment (HIA)	An assessment of the potential effects a proposed development may have on the health and wellbeing of a population and the distribution of those effects within the population.
Heritage Asset (including Designated 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. They include designated heritage assets and assets identified by the Local Planning Authority (including local listing).
Heritage Asset At Risk Register	A local and national register that identifies the Heritage assets which are at risk across the Borough.
Heritage Impact Assessment (HIA)	A report detailing the significance of any heritage assets (including any contribution made by their setting) that would be affected by a development and how the proposal has been designed to account for any potential impact it may have upon them.
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.

Phrase	Definition
Historic Environment Record (HER)	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.
House in Multiple Occupation (HMO)	Defined under Part 7 of the Housing Act 2004. In summary, a house or flat occupied by at least three tenants, forming more than one household, who share toilet, bathroom or kitchen facilities with other tenants.
Infrastructure	Fundamental facilities and systems that are required for an area to function, including education, transport, health, flood defences and open space.
Irreplaceable Habitat	Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.
Key Diagram	A map showing the main features and proposals in the local authority area.
Local Development Scheme (LDS)	The local authority's scheduled programme for the preparation of Local Development Documents.
Local Enterprise Partnership (LEP)	A body established for the purpose of creating or improving the conditions for economic growth in an area.
Local Green Space (LGS)	A land designation that can be given to green areas of particular importance to local communities. In order to be designated, green spaces must fulfil a number of criteria that are specified in the National Planning Policy Framework.
Local Housing Need	The number of homes identified as being needed through the application of the standard method set out in national planning guidance (or, in the context of preparing strategic policies only, this may be calculated using a justified alternative approach as provided for in paragraph 61 of this Framework).
Local Nature Recovery Strategy (LNRS)	A system of spatial strategies for nature and environmental improvement required by law under the Environment Act 2021 (as amended).
Local Plan	A plan for the future development of a 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. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.

Phrase	Definition
Main Town Centre Uses	Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, 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 Development	For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m ² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
Masterplan	A comprehensive plan or framework setting out the general vision and principles of a development, the infrastructure required to deliver it, and the key timescales and phasing of its delivery.
Material Considerations	Any factor relevant to the determination of a planning application.
Middlesbrough Development Corporation (MDC)	A development corporation established by the Tees Valley Mayor, covering an area of the Town Centre, the Historic Quarter, and Middlehaven. MDC are the Local Planning Authority for planning decision making for this area and hold powers over various planning matters including planning enforcement and the determination of planning applications.
Monitoring Framework	A system used to assess the performance and effectiveness of policies within the Local Plan. It assists in the identification of any policies, or suite of policies, that are not delivering on their intended outcomes
National Planning Policy Framework (NPPF)	A document that sets out the Government's planning policies and how they should be applied. It replaced many of the previous Planning Policy Statements.
Natural Capital	The world's stocks of natural assets which include geology, soil, air, water and all living things. Collectively we derive a wide range of benefits from these assets, such as clean water and air, medicine and food.
Nature Recovery Network	An expanding, increasingly connected, network of wildlife rich habitats supporting species recovery, alongside wider benefits such as carbon capture, water quality improvements, natural flood risk management and recreation. It includes the existing network of protected sites and other wildlife rich habitats as well as and landscape or catchment scale recovery areas where there is coordinated action for species and habitats.

Phrase	Definition
Neighbourhood Plan	A plan prepared by a Parish Council or a Neighbourhood Forum for a particular neighbourhood or area. When adopted a neighbourhood plan forms part of the development plan.
Nutrient Neutrality	An approach to development whereby the level of nutrients (including both nitrogen and phosphates) discharged from a site is the same, or lower, than before.
Open Space	All open space of public value, including land and areas of water (such as rivers, canals, lakes and reservoirs), that offers important opportunities for sport and recreation and can act as a visual amenity.
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 under section 106 of the Town and Country planning Act 1990 to mitigate the impacts of a development proposal. Sometimes these are referred to as a 'Section 106 agreement'.
Planning Practice Guidance (PPG)	PPG gives further context to the National Planning Policy Framework, providing detailed guidance on a range of topics to support its implementation.
Policies Map	An Ordnance Survey based map of the Local Planning Authority's area that geographically illustrates the policies in the adopted development plan.
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 was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as 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.
Primary Shopping Area (PSA)	A defined area where retail development is concentrated.
Priority Habitats and Species	Species and Habitats of Principal 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.

Phrase	Definition
Ramsar Site	A wetland of international importance, designated under the 1971 Ramsar Convention.
Regeneration	The economic, social and environmental renewal and improvement of an area.
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).
Secured by Design (SBD)	A police initiative to improve the security of buildings and their surroundings to provide safe places to live, work, shop and visit.
Self-build and custom build housing	Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition is contained in section 1(A1) and (A2) of the Self-build and Custom Housebuilding Act 2015 (as amended).
Sequential approach	A planning principle that seeks to identify, allocate or develop certain types or locations of land before others.
Sequential test	An assessment undertaken to ensure development takes place in appropriate locations. As per the requirements set out in the National Planning Policy Framework, they are used to guide main town centre uses towards town centre locations first. They are also used to guide development towards sites that have the lowest risk of flooding.
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.
Significance (for heritage)	The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.
Site of Special Scientific Interest (SSSI)	A site designated by Natural England under the Wildlife and Countryside Act 1981 as being an area of special interest by reason of any of its flora, fauna, geological or physiographical features.

Phrase	Definition
Special Areas of Conservation	Areas defined by regulation 3 of the Conservation of Habitats and Species Regulations 2017 which have been given special protection as important conservation sites.
Special Protection Areas (SPAs)	Areas classified under regulation 15 of the Conservation of Habitats and Species Regulations 2017 which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds.
Strategic Environment Assessment (SEA)	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.
Strategic Flood Risk Assessment	A study carried out by one or more local planning authorities to assess the risk of flooding in their area, from all sources, both now and in the future, and taking into account the expected impacts of climate change. It also assesses the impact that land use changes and development will have on flood risk.
Statement of Community Involvement (SCI)	The Statement of Community Involvement sets out the processes to be used by the local authority in involving the community in the preparation, alteration, and continuing review of all local development documents (LDDs) and in development control decisions. In respect of every LDD, the local planning authority is required to publish a statement showing how it complied with the SCI.
Supplementary Planning Documents (SPDs)	Documents which add further detail to the policies in the development plan. They can be used to provide further guidance on particular issues, such as design, or the development of specific sites. They are a material consideration in planning decisions, but are not part of the development plan.
Sustainability Appraisal	The process of assessing the economic, environmental, and social effects of a proposed plan. This process implements the requirements of the Strategic Environmental Assessment (SEA) Directive.
Sustainable Development	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The National Planning Policy Framework states that 'the purpose of the planning system is to contribute to the achievement of sustainable development' and that 'Achieving sustainable development means that the planning system has three overarching objectives [economic, social, and environmental], which are interdependent and need to be pursued in mutually supportive ways'.

Phrase	Definition
Sustainable Drainage Systems (SuDS)	Water management systems that are designed to control the flood and pollution risks resulting from surface water runoff and contribute towards the 'multi-functional' green infrastructure network, delivering multiple amenity, landscape and biodiversity benefits.
Sustainable Transport Modes	Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra-low and zero emission vehicles, car sharing and public transport.
Tees Valley	The combined area that covers the local authority districts of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland, and Stockton-on-Tees.
Tees Valley Combined Authority (TVCA)	The combined authority for the Tees Valley area.
Town Centre (including District Centres and Local Centres)	Area defined on the local authority's policies 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 the development plan, 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 measures 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 measures that will be needed to deal with the anticipated impacts of the development.
Travel Plan	A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives through various actions and is articulated in a document that is regularly reviewed.
Use Classes	Categories that define what land and buildings can be used for. The Town and Country Planning (Use Classes) Order 1987 (as amended) specifies all of the different use classes.
Viability Assessment	A process that assesses the financial viability of a site by considering whether the value generated by a development is more than the cost of developing it.
Wildlife Corridor	Areas of habitat connecting wildlife populations.

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

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MIDDLESBROUGH COUNCIL	
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Report of:	Director of Regeneration and Interim Director of Finance
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Relevant Executive Member:	Executive Member for Regeneration and Executive Member for Finance and Governance
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Submitted to:	Executive
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Date:	17 January 2024
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Title:	Part A - The Disposal of Land at Newham Hall for Housing.
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Report for:	Decision
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Status:	Public. NOTE: Part A of the Disposal of Land at Newham Hall for Housing report contains the relevant information Executive need to decide this matter. Part B contains sensitive commercial business information relating to a private and confidential property transaction but is not required for a decision to be made. For the avoidance of doubt; the price paid for the land would potentially prejudice the offers received for land across the wider Nunthorpe Grange site and should therefore be kept confidential as long as possible to minimise the potential for this.
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Strategic priority:	Physical environment
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Key decision:	Yes
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Why:	Decision(s) will incur expenditure or savings above £250,000
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Subject to call in?:	Yes
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Why:	Non urgent report, placed on Executive work programme
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Proposed decision(s)	
<p>That Executive be asked to:</p> <ul style="list-style-type: none"> a) note the information contained within Part A of the report; b) approve the approach of Middlesbrough Council acting as the master developer for the Newham Hall site - being financially responsible for bringing the site forward for 	

- phased disposal and marketing without external intervention or support from Homes England;
- c) approve the use of the awarded Levelling Up Fund 2 (LUF2) and Towns Fund grants, Strategic Highways Section 106 (S106) Funding, other developer contributions and pre-existing Council capital funding of £4.129m dedicated to Housing Growth or other projects already contained within the current capital programme to unlock and derisk the Newham Hall housing site;
 - d) provides Delegated Authority for the Director of Regeneration in respect of Public Open Space; and,
 - e) provides Delegated Authority for the Director of Regeneration for further amendments to the proposed disposal route.

For the avoidance of doubt, sensitive commercial business information relating to a private and confidential property transaction.

The price paid for the land would potentially prejudice the offers received for land across the wider Nunthorpe Grange site and should therefore be kept confidential as long as possible to minimise the potential for this.

Executive summary

The site at Newham Hall is identified in the Local Plan (2014) for residential development. It is the Council’s largest parcel of surplus land at 71ha. With 42ha of net developable land the site has capacity for approximately 1,000 dwellings (Appendix 1).

Although the land has not been marketed for sale, Middlesbrough Council has received two speculative offers for the land in the last three years. More recently, the Council received a Joint Venture proposition from Homes England and entered into an Exclusivity Agreement with them for the period December 2022 - September 2023.

Following assessment of these offers and insights from market research this report seeks approval for Middlesbrough Council to:

- progress with the disposal and marketing of the land independently rather than sell to a third party developer through a Joint Venture with Homes England and
- to utilise LUF2, Towns Fund grant, Strategic Highways and S106 monies, other developer contributions and Council capital programme resources to undertake site derisking to ensure best consideration for the site at the point of sale.

The disposal of the land is recommended in order to meet the Council’s requirements to generate capital receipts, increase annually recurring revenue streams and, as the value of the individual site exceeds £250,000 it is a key decision.

This report will seek continued delegated authority to be granted for the Director of Regeneration and Director of Finance to ensure a smooth and efficient disposal and delivery process to take place.

The implications of the recommendations of this report have been considered by the appropriate officers of the Council and are set out in the main body of this report.

Purpose

- 1. The purpose of this report is:
 - a) to detail the Council’s preferred route for the disposal of Newham Hall;
 - a) to seek permission to utilise capital and grant to invest in specific infrastructure schemes to ‘derisk’ the site in order to maximise the capital receipt received by the Council. This will be complimented with the use of designated S106 monies; and,
 - b) to seek permission for Delegated Authority for decisions related to the disposal of the site.

Recommendations

- 2. It is recommended that the Executive approves:
 - a) approves the approach of Middlesbrough Council acting as the master developer for the Newham Hall site - being financially responsible for bringing the site forward for phased disposal and marketing without external intervention or support from Homes England;
 - b) approves the use of the awarded Levelling Up Fund 2 and Towns Fund grants, Strategic Highways Section 106 Funding, other developer contributions and existing Council capital funding of £4.129m dedicated to Housing Growth or other projects already contained within the current capital programme to unlock and derisk the Newham Hall housing site;
 - c) approves Delegated Authority for the Director of Regeneration in respect of Public Open Space and Land Appropriation process;
 - d) approves Delegated Authority for the Director of Regeneration and Director of Finance for further amendments to the proposed disposal route; and,

Rationale for the recommended decision(s)

- 3. The development of Newham Hall will bring a underutilised Council held asset into far more beneficial use in the future – creating a new community and a high-quality place.
- 4. Newham Hall is critical to the supply of land for housing development and is in turn critical for supporting economic growth in the town and the delivery of Council services.
- 5. The disposal of the subject parcel of land is recommended in order to meet the Council’s requirements to generate capital receipts and increase annually reoccurring Council Tax revenue streams.
- 6. The development will produce in the region of 1,000 residential dwellings which will primarily be a mix of Council Tax Bands ranging from B to F. Modelling of the site indicates that upon completion this would generate additional Council Tax income of approximately £2.5m per annum on completion, based on current Council Tax levels.

- 7. Middlesbrough Council has received three offers for the land in advance of it being marketed for disposal. It is concluded that the presented offers do not demonstrate Best Value for Money (BVM) for the Council, with advice from external, independent property consultants, Knight Frank demonstrating that the Council would likely receive a higher residual land value than those offered.
- 8. It is proposed that Middlesbrough Council acts independently of third party involvement in disposing of this site. This approach allows the Authority to retain the greatest level of control and independence over the delivery of the site and the procurement of the necessary consultants. It will allow the Council to control the release of development parcels in a timely manner to ensure that the site's disposal is proportionate to market demand and avoid over supply. It will also reduce the Council's reliance on third parties, protecting the Council from political or economic shocks.
- 9. Despite its size, and the presence of competing sites, professional advice provided by Knight Frank indicates that there is room in the market for the site to be brought forward at this time.
- 10. Installation of an electricity connection will allow the Council to derisk the site through increasing the accessibility of the parcels of land available for development, which will in turn expedite the delivery of housing numbers and income. Whilst this reduces risks and upfront investment requirements for developers it places the Council in greater control of the overall disposal allowing multiple phases and products to be developed simultaneously and preventing the site from stalling.
- 11. The commissioning of due diligence is in line with the Council's own policy to maximise capital receipts. A masterplan is a policy requirement as set out in the adopted Local Plan. It is a valuable tool in the planning and development process. The National Planning Policy Framework (NPPF) emphasises that good design is a key aspect of sustainable development, and that design guides (such as masterplans) should be prepared to provide clarity over design expectations and a framework for creating distinctive places with a consistent and high quality of design. Masterplans are used to ensure high quality schemes are delivered and in line with national planning push for developments to meet local standards of beauty, quality, and design. Poor quality and ill-thought-out developments are a real risk if there is no masterplan in place.

Background and relevant information

Planning Policy

- 12. The overall integrity of the Local Plan (2014) depends upon the land supply identified within it being made available. Following Executive approval in 2017 to terminate the Agricultural Tenancy, approval to dispose of the land was granted by Executive in July 2022 via the Asset Disposal Business Case process (appended in Part B of this report).

Housing in Middlesbrough

- 13. Middlesbrough's housing offer needs to keep pace with the demands of the market. The release and development of this suburban site will allow that to be achieved; stemming outward migration and making Middlesbrough a more desirable place to live, with a quantity

of residential properties that will address the needs of a changing, growing, and evolving population.

- 14. The development of new housing is a key component of the Council being able to achieve financial sustainability through growth in its tax base which generates increased Council Tax income. In addition, the capital receipts generated from sale of land including housing sites, will support the delivery of the Council Plan and its Medium Term Financial Plan (MTFP).
- 15. This greenfield site sits in a strong market area, and coupled with a masterplan and outline planning permission it will be a site that generates significant developer demand.
- 16. It is likely that 3 and 4 bed detached properties will be popular in this suburban location and attract a decent sales price. Properties of this size will probably account for up to 75% of the total property mix with some smaller 2 bed properties (and possibly 1 bed units) accounting for 10 - 15% of the site and bungalows and larger executive homes (4/5 bed) making up the remaining 10 - 15% of the development. 15% affordable housing will also be provided on site.

Offers received to Date

- 17. Middlesbrough Council has received two direct offers from one developer, despite the land not yet being marketed for sale. Both speculative offers received in 2020 and 2021 were evaluated for best consideration using independent advice from Knight Frank and were subsequently declined by the Council.
- 18. The Council was advised that the offer made by the developer in 2020 did not constitute good value. Whilst it would have provided Middlesbrough Council with a lump sum and uplift over the following years it was deemed that the capital receipt received could be just 50% of the true market value. Their view was that if the Council was happy with the principle of the offer there would be several parties who would be interested in an outright purchase of the site with an overage agreement or promotion agreement; in excess of the offer made by the developer.
- 19. In 2021, an updated offer was submitted to the Council by the same developer. Knight Frank again concluded that the offer received did not constitute best value for money (BVM) for the Council, stating their belief that the net developable land value was far higher than the maximum value offered.

Homes England Proposal

- 20. Homes England entered into an Exclusivity Agreement with Middlesbrough Council in 2022. They presented an offer based on agricultural land value, which is not considered to be BVM for the Council. Although the view that the land has most recently been used for the purposes of agriculture is valid, the fact that the same is included within the Local Plan Framework as an allocation for housing development makes the stance adopted by Home's England irrelevant from a valuation perspective. If the site is formally identified for the purposes of residential development and the intention of the parties is to submit an outline planning application confirming the same, the valuation basis being proposed by Homes England should reflect this.

- 21. Homes England's expectation was that Middlesbrough Council would contribute any relevant grant funding towards the scheme. To do so would have been of benefit to Homes England and the detriment to the Council. As the expectation would be that the £9.912.9m grant funding secured through the Towns Fund and Levelling Up Partnership would be contributed prior to any financial benefit being shared.
- 22. Furthermore, Homes England's masterplan looked to deliver 940 homes on a site capable of delivering in the region of 1,000 units which would have reduced the Authority's long term Council Tax income.
- 23. On evaluation it was also considered that the appraisal information provided by Homes England was inconclusive and could not be relied upon. The proposal was deemed laden with significant levels of site development and abnormal cost items that skewed the residual land value figure to the point that some of their proposed development scenarios appeared economically unviable.

Land Valuation

- 24. Comparison third party valuation information sourced by the Council in 2022 as part of its asset valuation process has produced a land value for the site. Part B of this report details the gross market and output net land value attributable to the site over the lifetime of the development - assuming derisking of the site and remediation of all relevant known abnormalities by the Council.
- 25. The site appraisal valuation recorded on the Council's Asset register, as provided by Align, was revised in March 2023 and is detailed in Part B of this report.
- 26. The land value was considered by Knight Frank in September 2023 in light of the anticipated costs presented by Homes England. Knight Frank have estimated a residual land value which is detailed in Part B of this report.
- 27. It is therefore the Council's considered view that Best Value would be achieved if the asset was marketed and disposed of without any third party involvement.
- 28. The current level of residential land value in the UK is linked to the overall state of the economy and confidence of direct and indirect customers actively investing in the housing market. The site will be subject to national market and economic trends with any significant shifts in supply and demand impacting on house prices and land value accordingly. Consequently, the market conditions and demand may require the Council to reduce, or even halt development should the housing market stall. In these circumstances, the potential delivery of capital receipts and the flow of recurring Council Tax revenue may be affected. Whilst it is impossible to predict the future impact of market price levels of both land and houses, a proportional percentage reduction could be applied across the board to highlight the likely financial shift in the market if deemed necessary for the purposes of information – with this perhaps being presented as a sensitivity based estimate of values predicated upon a defined percentage range [i.e. 10% to 30%] and provided subject to future market conditions.

Due Diligence

29. Partial due diligence has been undertaken by Homes England, and further due diligence work will be completed during the derisking sites process. The Homes England abnormal cost estimates are detailed in Part B of this report. Whilst Middlesbrough Council does not feel that the estimates are over inflated it does take an alternative view of the total cost. It is the Authority's view that a proportion of the stated abnormal costs would either be considered developer costs or interventions that Middlesbrough Council should seek to undertake with grant or capital funding to derisk the site and gain best consideration in terms of land value. Middlesbrough Council's view on the sum of legitimate abnormal costs are detailed in Part B of this report.
30. The impact on the highway network has been assessed using the authorities Strategic Aimsum Highways modelling. Due to uncertainty around the build out of the Stainton Way Western Extension (SWWE) at the Stainsby site the modelling has projected for a scenario whereby the SWWE is not developed. It was identified that the modelled area would be subject to a significant increase in congestion, lengthier journey times and increased queuing because of the development of the two housing allocations. As per the definition within the National Planning Policy Framework these impacts could be considered as severe, presenting grounds for the refusal of planning consent. To offset detriment to the operation of the highway network, effectively returning the highway operating capacity to the base situation existent prior to the development of both housing sites, the modelling has highlighted the need for 8 mitigation schemes, two of which are a priority with costs for delivery to be covered by the overall proposed capital allocation to the scheme. Whilst the remaining six schemes are also needed they are not envisaged to be required until 2030 – 2040.

External Funding

31. In partnership with Redcar and Cleveland Council, Middlesbrough Council successfully bid for £4.812m from LUF2 for infrastructure funding to unlock the Newham Hall housing site. This capital only grant will deliver the South Middlesbrough Accessibility project which will see the delivery of a roundabout on the B1365 creating an access point into the southern aspect of the site and delivery of Phases 1 - 3 of the internal spine road. The opportunity to deliver the internal highway infrastructure in advance of housing development will address a potential coordination based failure based on the likelihood that the site will be brought forward by multiple housebuilders/developers. Furthermore, it will increase the capital receipt received for the site as the infrastructure requirements from developers are reduced.
32. On the 4th December 2023 the Towns Deal board approved an allocation of £5.100m from the Urban Living element of the Council's Towns Fund allocation to be utilized within the Newham Hall project. The use of these funds will ensure that the housing outputs required as per the conditions of the grant will be achieved.
33. The Council is in receipt of £3.500m Section 106 funding that is specifically provided for Strategic Highways within the area. There is an additional £0.897m of accrued developer contributions that can be attributed to the project.
34. The total amount of external funding attributed to the project is therefore calculated at £14.309m.

Disposal Strategy and Rationale

- 35. Middlesbrough Council sought independent advice in 2020 to determine the best route to market. This outlined the need for a masterplan and design code and concluded that there were five viable options for the delivery and disposal of the site each with their own financial caveats.
- 36. The Council is advised that a site of this size would benefit from a phased disposal sales strategy which would allow the Council to regulate supply which in turn creates market demand. Through a controlled process of tender releases the Council will be able to control the quality of housing being delivered through the flow of planning permissions granted. The sale of the site on a phased basis would also provide the Council with opportunity to react to market changes and adopt a more flexible, controlled approach to the release or retention of housing phases. Such an approach has the potential to generate greater income overtime as land values tend to increase over time.
- 37. Furthermore, this strategy would provide the Council with the ability to maintain control over the flow of recurring Council Tax revenue to a far greater degree than an upfront disposal to a single entity or developer would offer.
- 38. Importantly the approach would also deter land banking of a critical supply of land for housing development in Middlesbrough. Additionally, it would support the Council's wider strategic aims through quality placemaking with increased access to open space and green infrastructure.
- 39. Despite the size of the site and the presence of competing sites, professional advice indicates that there is room in the market for the site to be brought forward at this time, with plots ranging from 50 units to 300 units disposed of in a phased approach. The phasing will be determined through the development of a bespoke masterplan, supported by due diligence work, which will identify distinct parcels of land with consideration given to the scale and product offering, with each generating a differing net value.
- 40. In accordance with section 233 of the Town and Country Planning Act 1990 and under section 123 of the Local Government Act 1972(2A) a Public Open Space (POS) notice will be issued using a delegated authority to conclude the outcome of the process.
- 41. The disposal would be led by Valuations and Estates and predicated on an open and transparent tender based competition, designed to generate best consideration, with interested parties bidding competitively on the open market at regular planned intervals.
- 42. It would be reasonable to assume that a site of this size will be developed out over a ten year period. Assuming a commencement from the point of booking, procuring and installing the electricity supply the first phase of development could be released for sale with internal spine road, services infrastructure and an outline planning permission in place in 18 -24 months' time. Follow on phases would come forward for marketing every 12 - 18 months thereafter assuming market conditions allow and that this strategy met the requirements of the Council.

Infrastructure Requirements

- 43. Before bringing the site to market Middlesbrough Council will facilitate the upfront delivery of highway and electrical infrastructure.
- 44. The Highway Authority has advised that in sync with the proposed development timescales for Newham Hall the first two junction improvement schemes need to be delivered to support a planning application. Details of the cost of these interventions is detailed in Part B of this report.
- 45. Delivery of the highway infrastructure improvement schemes will prevent infrastructure cost becoming the burden of other developments in the future and the possibility of those costs becoming prohibitive and creating unviable schemes that see housebuilding stymied and developers relocating to another Local Authority boundary, compromising Middlesbrough's Council Tax receipt.
- 46. The upfront installation of the electricity provision will present the best opportunity for Middlesbrough Council to maximise the net capital receipt payable for the development and will allow for the site to be disposed of as serviced plots. Additionally, this approach will prevent the development of the site from being stalled and further support the rate at which the phases can be released to the market for sale.
- 47. It should be noted that the estimated infrastructure costs should only increase in line with inflation unless, for example, statutory requirements alter and the delivery of further costed items become necessary. The unknown rates of inflation may potentially have a negative impact upon the net offer received for development parcels over time.

Other potential alternative(s) and why these have not been recommended

Don't sell the land

- 48. This would result in significant financial implications for the Council, including no capital receipt and no Council Tax revenue growth. Failure to dispose of the land would be contrary to the Local Plan (2014). The overall integrity of the Local Plan depends upon the land supply identified within it being made available; the Council would be open to significant challenge from the housebuilding industry if it were seen to constrain land supply. Furthermore, this approach would result in significant abortive costs for the Council resulting from the due diligence work undertaken to date and the cost of legal proceedings relating to the farming tenancy.

Sell the land as a whole now

- 49. Advice from Knight Frank highlights that this approach does not demonstrate Best Value for the Council. The approach would present a vastly reduced land receipt and there would be significant uncertainties around the timescales for delivery which could negatively impact upon Middlesbrough's housing supply and Council Tax income, especially as the land does not currently come with the benefit of an outline planning permission. To undertake this approach would also negate the Council's ability to spend the grants received, which further reduces the Council's net receipt.

Sell the land without the benefit of outline planning permission or a masterplan

50. It is known that developers will pay for the benefit of a derisked site. Disposal without planning consent would prove financially and strategically detrimental to the Council and prove risky for developers, potentially leading to fewer than normal offers and at a reduced financial rate. A masterplan is a planning requirement for a site of this size. Without both the planning permission and masterplan the ability to manage development and competitively market the land would be significantly reduced.

Install highways and electricity infrastructure using LUF2 and Towns Fund then sell the land as a whole

51. Whilst this option would derisk the site and provide benefit against the capital receipt it would be less so than the preferred option, as the potential exists to achieve a greater income over time as land values increase. This option also increases the risk of land banking and stagnating the supply of available homes.

Enter into a JV with Homes England

52. Independent advice and professional analysis consistently draws the conclusion that the proposal to collaborate with Homes England on the disposal and delivery of the Newham Hall housing site does not present Best Value for Money for the Council. Under the terms of the payment mechanism proposed by Homes England, the Council would have only received a capital payment equating to 50% of the land value, further reducing the overall value of the Council's asset from the perspective of best consideration.

Accept Offer made by Independent Developer

53. Independent advice and professional analysis highlighted that both offers made not present Best Value for Money for the Council.

Impact(s) of the recommended decision(s)

Financial (including procurement and Social Value)

54. The disposal and development of this site will contribute significantly towards the delivery of the Council Plan and MTFP as the site will generate a significant capital receipt and reoccurring Council Tax income of circa £2.473m through Council Tax upon the completion of the development.
55. The recommended method for disposal of the site is designed to both maximise the value of the capital receipt and ensure that Council Tax receipts are achieved at the most optimum time.
56. In September 2023, industry experts Knight Frank undertook a valuation of the site details of which can be found within Part B of this report.
57. The following table depicts the assumed house build rates and the full year effect of the annual increase in Council Tax throughout the course of the development.

Table 1 – Assumed House Build Rates and Full Year Effect of Annual Increase in Council Tax Income

	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	Future Years	Total
Number of Assumed House Builds	15	60	60	60	60	60	685	1000
Annual Full Year Effect Increase in Council Tax (£m)	0	0.037	0.148	0.148	0.148	0.148	1.842	2.473
Cumulative Full Year Effect Increase in Council Tax (£m)	0	0.037	0.185	0.334	0.482	0.631	2.473	

58. The Department of Levelling Up, Housing and Communities have undertaken a consultation in 2021 with respect to the New Homes Bonus grant. They have subsequently paid one years growth but not yet indicated its continuation, however have provided grant for growth in each of the subsequent years. Should this stance continue then the dwellings will contribute towards the net addition to the housing stock that is required in order to qualify for NHB grant payable.
59. The total cost to derisk the site in the medium term sits at approximately £18.438m. £14.309m of which has already been identified from external funding sources.
60. The Council is required to provided £4.129m of its own funds in order to fully fund the delivery of this site. These funds already sit within the council’s approved capital programme.
61. Information on the estimated gross market value is outlined within Part B of this report. Capital receipts secured from the sale of housing sites are used to fund the Council’s Capital Programme and the critical investments within it. These investments include ‘business as usual’ activity, periodic purchases, and investments in economic growth initiatives. Failure to receive a capital receipt, from this site will stem economic growth and prosperity across the town. In July 2022 Executive approved the Strategic Housing Site Disposals report which included the disposal of this site.
62. It is recognised that development of the scale proposed for the site will result in impacts on local infrastructure, some of which is identified elsewhere in this report. In order to enable permission to be granted for any planning application it is important that mitigation is provided to address these impacts, this is usually provided through a S106 Agreement that accompanies any planning permission granted.
63. The Council as landowner and Local Planning Authority cannot be both signatories on such an agreement. It is essential therefore to enable the permission to be granted that the Council makes a formal commitment to delivery of the necessary infrastructure at the time that it is required.
64. A mechanism will need to be identified to enable this to happen. Without such a commitment in place planning permission will not be forthcoming. In this instance the required infrastructure will include:
- a) affordable housing (to be determined, depending on whether this is provided on-site);

- b) off-site highways/transport improvements and mitigation;
- c) education;
- d) green infrastructure; and,
- e) community facilities.

65. It is not possible at this stage to identify the exact nature of the infrastructure requirements as these will be determined via the planning application process and will only be identified through the proper assessment of the application including consultation with infrastructure providers and the community. This assessment will identify the cost (at current values) and timing for delivery of the infrastructure and the contribution required from development of the site.
66. On 13 April 2021, Executive approved the ‘Community Benefit Arising from Asset Disposal’ report. The report approved an amendment to the Asset Disposal Policy to ‘facilitate local communities benefitting whereby a Council owned asset is disposed within their locality above market value’. If an asset achieves a price in excess of the projected market value, 3% of the capital receipt will be made available for local community use for the ward in which the asset is located.

Legal

67. The Council will follow the relevant legal processes when disposing of sites, the nature of which will depend on the presence of any existing designations (such as allotments or public open space).
68. The process of disposing of sites requires significant input from Legal Services and Procurement, as the process is inherently contractual in nature and the Council needs to achieve Best Consideration in respect of any asset disposal.
69. The marketing and disposal strategy will cover internal client related matters concerning procurement, subsidy control and best value, together with Legal matters associated with contractual structures that protect the Council’s interest.
70. The Council’s governance processes will be observed accordingly throughout the disposal process.

Risk

71. The project will contribute towards the following strategic aims and objectives:
- a) Place - Securing improvements in Middlesbrough’s housing, infrastructure and attractiveness, improving the town’s reputation, creating opportunities for local 2 people and improving our finances; and,
 - b) People - Working with communities and other public services in Middlesbrough to improve the lives of local people.
72. The following high level risks identified in the Strategic and Directorate Risk Registers, will be reduced as a consequence of the market intervention enabled by the recommended decisions:

- a) O1-045 - If the Housing Programme does not meet the projected targets then this can have a negative impact on the assumptions within the MTFP;
- b) O8-059 - If incorrect assumptions are made in the MTFP this will result in a funding gap requiring further savings to be made; and,
- c) O1-029 - Insufficient Council Tax Band D+ properties are built to enable Middlesbrough to retain its economically active population resulting in further population decline and impact upon the MTFP.

Human Rights, Public Sector Equality Duty and Community Cohesion

- 73. The Impact Assessment, attached as Appendix 2, has concluded that the decisions would not have any disproportionately negative impacts on protected groups.
- 74. The proposed decision does not involve the collation and use of personal data.

Climate Change / Environmental

- 75. As part of the Council's drive to achieve net carbon and in line with One Planet Living, developers will be encouraged to implement energy efficiency measures in line with building regulations, and to reuse and source local materials and labour to reduce transportation impacts.

Children and Young People Cared for by the Authority and Care Leavers

- 76. The Impact Assessment demonstrated that this development presents no impact on children and young people cared for by the Authority and care leavers.

Data Protection / GDPR

- 77. The proposed decision does not involve the collation and use of personal data.
- 78. The Data Protection Impact Assessment is attached as Appendix 3.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
The Council will commence the Land Appropriation	Claire Bell / Richard Horniman	February 2024
The Council will advertise its intentions to dispose of the land via a Public Open Space Disposal advert	Delegated to Director of Regeneration	February 2024
Masterplan consultant will be procured	Claire Bell	March 2024
Hybrid Planning Application will be	Masterplanner	August 2024

submitted for the road and the housing		
Site will be marketed for sale via a formal competitive tender process	David Velemir	April 2025
Defray LUF2 money to install the onsite highways infrastructure	Andrew Harvey	September 2025

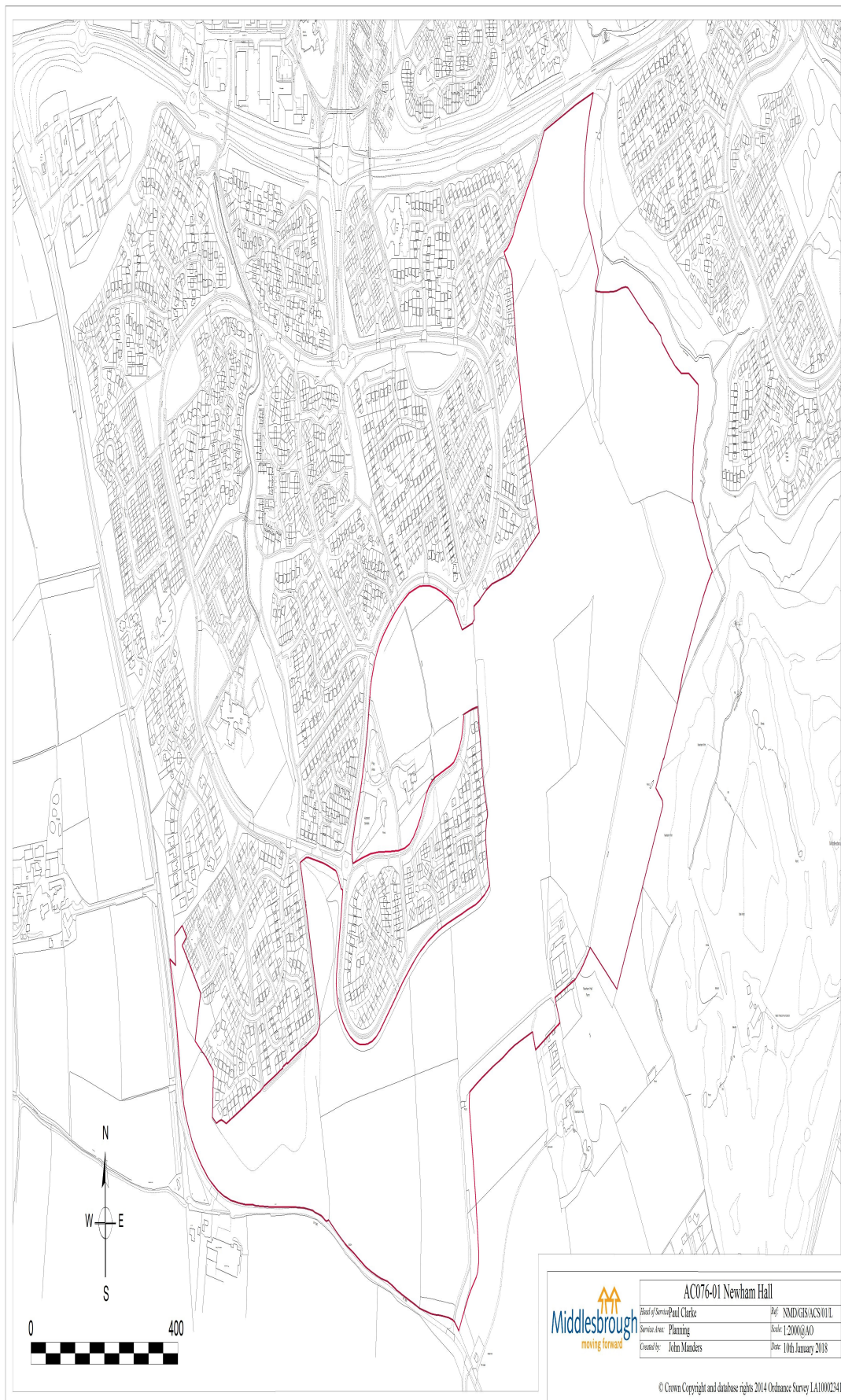
Appendices

1	Newham Hall Redline Boundary
2	Newham Hall Impact Assessment
3	Newham Hall Data Protection Impact Assessment

Background papers

Body	Report title	Date
Council	Middlesbrough Local Plan	November 2014
Executive	Strategic Housing Site Disposals	July 2022

Contact: Claire Bell
Email: claire_bell@middlesbrough.gov.uk



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Appendix 4 - Impact Assessment Level 1: Initial screening assessment

Subject of assessment:	Nunthorpe Grange			
Coverage:	Site-specific			
This is a decision relating to:	<input type="checkbox"/> Strategy	<input type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function
	<input type="checkbox"/> Process/procedure	<input checked="" type="checkbox"/> Programme	<input checked="" type="checkbox"/> Project	<input type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
It is a:	New approach:	<input checked="" type="checkbox"/>	Revision of an existing approach:	<input checked="" type="checkbox"/>
It is driven by:	Legislation:	<input type="checkbox"/>	Local or corporate requirements:	<input checked="" type="checkbox"/>

Description:	<p>Key aims, objectives and activities</p> <p>To assess the impact of the proposal to dispose of Council land for residential development.</p> <p>Disposal of the assets are required to assist the Council in meeting its MTFP projections, reducing financial risk and uncertainty, and aligns with the Local Plan (2014). Controlled sale of the parcels will ensure that development is delivered across the town in line with market demand.</p> <p>Statutory drivers</p> <p>The Local Government Act 1972 Section 123, as amended by the Local Government Planning and Land Act 1980 Section 118 Schedule 23 Part V.</p> <p>Differences from any previous approach</p> <p>Not applicable.</p> <p>Key stakeholders and intended beneficiaries (internal and external as appropriate)</p> <p>The Council, developers and the local community.</p> <p>Intended outcomes</p> <p>The proposed disposals would allow the Council to secure capital receipts, generate Council Tax, redevelop underutilised land and meet its obligations under the Local Plan (2014).</p>
Live date:	October 2023
Lifespan:	Until the site is developed or the site allocation in the Housing Local Plan is removed/changed.
Date of next review:	Not applicable

Screening questions	Response			Evidence
	No	Yes	Uncertain	
Human Rights Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	It is considered that the disposal of the subject parcels of land will not impact negatively on individual human rights as the proposal represents a significant and positive enhancement for the local and wider areas, which outweighs the loss of the parcel of land.
Equality Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>a) The Council has a duty to consider the impact of the proposed decision on relevant protected characteristics, to ensure it has due regard to the public sector equality duty. Therefore, in the process of taking decisions, the duty requires the Council to have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p>It is considered that the proposal to facilitate the development of housing will not have a disproportionate adverse impact on a group, or individuals, because they hold a protected characteristic. Evidence</p>

* Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.

Screening questions	Response			Evidence
	No	Yes	Uncertain	
				used to inform this assessment includes engagement to date with relevant Council departmental teams.
Community cohesion Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town? *	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	It is not considered that there will be any adverse impact on community cohesion or negative impact on relationships between different groups, communities of interest or neighbourhoods within the town.
Sustainable Community Strategy objectives Could the decision impact negatively on the achievement of the vision for Middlesbrough? Does the decision impact on statutory duties associated with these key objectives? *	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The parcels of land are already allocated for residential use in the Council's adopted Housing Local Plan, which underwent several rounds of public consultation – in full accordance with the Middlesbrough Statement of Community Involvement (SCI) – and a stringent Public Examination by an Independent Planning Inspector, who declared the Plan sound. As such, the principle of residential development in these locations has already been established as being suitable.</p> <p>The existing or pending development guidance and masterplans are intended to ensure satisfactory development for residential purposes. Consultation on the development guidance and masterplan documents will be undertaken in full accordance with the Council's adopted (SCI).</p> <p>In light of the above, it is not considered that there will be any negative impact on the Council's sustainable community strategy objectives.</p>

Screening questions	Response			Evidence
	No	Yes	Uncertain	
Organisational management / transformation Could the decision impact negatively on organisational management or the transformation of the Council's services as set out in its transformation programme? *	☒	☐	☐	Disposal of the parcel of land would generate Capital Receipt and Council Tax, supporting the Council's Medium Term Financial Plan. In light of the above, it is not considered that there will be any negative impact on the organisational management or the transformation of the Council's services set out in its transformation programme
Next steps: ➡ If the answer to all of the above screening questions is No then the process is completed. ➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.				

Assessment completed by:	Claire Bell	Head of Service:	Steve Fletcher
Date:	25/10/23	Date:	25/10/23


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Data Protection Impact: Screening and Assessment Form

Decision/Project:	Newham Hall	DPO to add PIA #.
Lead Officer:	Claire Bell	Project Officer
Head of Service (IAO):	Steve Fletcher	Head of Development









Any new decision or project involving high risks to the rights and freedoms of natural persons must have a 'Data Protection Impact Assessment' (DPIA) carried out on it BEFORE any personal data is used or 'processed' – this includes buying new ICT solutions. The Council can be fined up to £9million if it does not complete a DPIA when one was required by law.

- Answer **ALL** of the following screening questions in Step 1 to determine if your decision or project requires a data protection impact assessment (DPIA).
- This is not an exclusive list and DPIAs are required where there is likely to result in 'high risks to the rights and freedoms of natural persons'.
- The Information Commissioner's Office (ICO) recommends that a DPIA is completed where a major project requires the processing of personal data, particularly of vulnerable people.
- If you decide you need to complete a DPIA, fill in steps 2 to 7.
- Hover your mouse cursor over the  images for each question to see further information or examples or go here for [more information about the DPIA process](#).

Step 1: Screening Questions

Section A: Review and answer ALL of the following eight questions. Answering 'Yes' for any will automatically require a DPIA to be completed

1. Systematic and extensive evaluation based on automated processing or profiling resulting in decisions with legal or other significant effects		No
2. Large scale use of special category and/or criminal convictions or offences data		No
3. Systematic monitoring of a publicly accessible area on a large scale		No
4. Decisions about access to a product, service, opportunity or benefit that is based on automated decision-making (including profiling) or involves special category data		No
5. Any profiling of individuals on a large scale		No
6. Combining, comparing or matching personal data obtained from multiple sources		No

Step 1: Screening Questions

7. Targeting of children / other vulnerable individuals for marketing, profiling, or other automated decision-making, or the offer of online services directly to children	?	No
8. Use of data that could jeopardise the physical health or safety of individuals if it were disclosed in a personal data breach	?	No

Section B: Review and answer ALL of the following nine questions. Answering 'Yes' for two or more will automatically require a DPIA to be completed

1. Evaluation or scoring, profiling or predicting , especially aspects about performance at work, economic situation, health, personal preferences or interests, reliability or behaviour, location or movements	?	No
2. Automated-decision making with legal or similar significant effect e.g. which could lead to exclusion or discrimination	?	No
3. Observation, monitoring or control of individuals , including data collected through networks or a systematic monitoring of a publicly accessible area	?	No
4. Special category or criminal convictions or offence information use or anything that could increase the possible risk to the rights and freedoms of individuals	?	No
5. Large scale use of any personal data either by number of individuals, volume, duration, or geographical extent	?	No
6. Matching or combining datasets from two or more sources where the original purposes were different	?	No
7. Information about vulnerable individuals including children, adults, employees where there is an imbalance of power with the organisation	?	No
8. Innovative use of or applying new technological or organisational solutions	?	No
9. Preventing individuals from exercising a right or using a service or a contract as a result of use of their information	?	No

Section C: Review and answer ALL of the following five questions. Answering 'Yes' for any in Section C AND one or more in Section B above will automatically require a DPIA to be completed

1. Use of innovative technologies , or the novel application of existing technologies (including AI)	?	No
2. Biometric data use (e.g. fingerprint or facial recognition)	?	No
3. Genetic data use , (other than that processed by an individual GP or health professional for the provision of health care <u>direct</u> to the data subject)	?	No
4. Invisible processing where personal data that has not been obtained direct from the individuals and providing a privacy notice would prove impossible or involve disproportionate effort	?	No
5. Tracking an individual's geolocation or behaviour , including but not limited to the online environment	?	No

Section D: Justification for not completing a DPIA

The project will be delivered in line with the Council's wider Housing Growth Programme with the aim of assisting the Council to set a sustainable budget, as the capital receipts from housing sites along with the subsequent Council Tax are the key components of the Medium Term Financial Plan.

It is believed the project would not require the collection of data that would impact upon the rights and freedoms of natural persons.



Send the form with completed screening questions to:

dataprotection@middlesbrough.gov.uk.

It will then be checked and advice provided on your responses.

If you do not need to complete a DPIA, you do not need to follow the rest of this procedure.

Step 2: Identifying the Need

Explain broadly what project aims to achieve and what type of processing it involves. You may find it helpful to refer or link to other documents, such as a project proposal. Summarise why you identified the need for a DPIA.

Step 3: Describe the Processing

Nature of the processing: how will you collect, use, store and delete data? What is the source of the data? Will you be sharing data with anyone? You might find it useful to refer to a flow diagram or other way of describing data flows. What types of processing identified as likely high risk are involved?

Scope of the processing: what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

Context of the processing: what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in? Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?

Purposes of the processing: what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for you, and more broadly?

Step 3: Describe the Processing

Step 4: Consider consultation

Consider how to consult with relevant stakeholders: describe when and how you will seek individuals' views – or justify why it's not appropriate to do so. Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

Step 5: Necessity and Proportionality

Describe compliance and proportionality measures, in particular: what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

Step 6: Risk Identification and Assessment

Describe source of risk and nature of potential impact on individuals <u>without any controls in place.</u>	Likelihood of harm	Severity of harm	Overall risk
Click here to enter text.	Choose an item.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.	Choose an item.

Step 7: Risk Mitigations

Identify additional measures you could take to reduce or eliminate risks identified in step 6

[illegible]

Step 8: Sign-off and Outcomes

Consultation responses reviewed by and date:	Click here to enter name.	Click here to enter a date.
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Reasons for departing from consultees views:

If your decision departs from individuals' views, you must explain your reasons.

DPO advice provided by and date:	Click here to enter name.	Click here to enter a date.
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Summary of DPO advice

DPO should advise on compliance, step 7 measures, and whether processing can proceed.

Advice accepted or rejected, by, and date:	Choose an item.	Click here to enter name.	Click here to enter a date.
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Reasons for rejection of DPO advice:

If rejected, you must explain your reasons.

Measures approved / not approved by:	Choose an item.	Click here to enter name.	Click here to enter a date.
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Residual risks accepted or rejected by:	Choose an item.	Click here to enter name.	Click here to enter a date.
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If accepting any residual high risk, you must ask the DPO to consult the ICO before going ahead.

DPIA to be reviewed by and next review date:	Click here to enter name.	Click here to enter a date.
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Previously reviewed by and date:	Click here to enter name.	Click here to enter a date.
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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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