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Our reference:
Your reference:
Date: Monday, 6 April 2026

To all Members of the Cabinet

Dear Councillor

A Meeting of the Cabinet will be held on Tuesday, 14 April 2026 at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>
Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Sara Pregon
Monitoring Officer

AGENDA

1. Apologies for Absence
2. Declarations of Interest

[Link to further information in the Council's Constitution](#)

3. Minutes of the Meeting held on 10 March 2026 (Pages 1 - 10)
4. Citizens' Questions

To answer questions submitted by citizens on the Council or its services.

5. Opposition Group Leaders' Questions

To answer questions submitted by Opposition Group Leaders on items on the agenda.

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NON-KEY DECISIONS

6. Update to the Private Sector Housing Enforcement Policy 2026-2031 (Pages 11 - 82)

The report of the Director – Neighbourhoods is attached.

7. Ratcliffe on Soar Local Development Order - Proposed Revisions (Pages 83 - 258)

The report of the Director – Development and Economic Growth is attached.

Membership

Chair: Councillor N Clarke

Vice-Chair: Councillor A Brennan

Councillors: R Inglis, R Upton, D Viridi and J Wheeler

Meeting Room Guidance

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Recording at Meetings

National legislation permits filming and recording by anyone attending a meeting. This is not within the Council's control.

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MINUTES OF THE MEETING OF THE CABINET

TUESDAY, 10 MARCH 2026

Held at 7.00 pm in the Council Chamber Area B, Rushcliffe Arena,
Rugby Road, West Bridgford
and live streamed on Rushcliffe Borough Council's YouTube channel

PRESENT:

Councillors N Clarke (Chair), A Brennan (Vice-Chair), R Inglis, R Upton, D Virdi
and J Wheeler

ALSO IN ATTENDANCE:

Councillors T Birch and J Walker

OFFICERS IN ATTENDANCE:

L Ashmore	Director of Development and Economic Growth
A Hill	Chief Executive
P Linfield	Director of Finance and Corporate Services
S Pregon	Monitoring Officer
H Tambini	Democratic Services Manager

60 Declarations of Interest

There were no declarations of interest made.

61 Minutes of the Meeting held on 10 February 2026

The minutes of the meeting held on 10 February 2026 were agreed as a true record and signed by the Chair.

62 Citizens' Questions

There were no Citizens' questions.

63 Opposition Group Leaders' Questions

Question from Councillor J Walker to Councillor Brennan.

"Ruddington has recently been offered a consultation exercise to explore a possible Masterplan. Meanwhile, Radcliffe on Trent is further advanced in this process and has now secured £1 million from the Asset Management Group to support its town centre improvements towards its Masterplan.

Can you confirm whether Ruddington will be considered for a comparable level of financial support as its plans progress?"

Councillor Brennan advised that there could be no guarantees at this point regarding future levels of funding for any such scheme. Firstly, a Masterplan needed developing, then what opportunities availed themselves, such as potential land acquisition and a fully supported business case would need to be developed. Until then, it would not be prudent to pick particular sums. The objectives in the Radcliffe on Trent Masterplan could be directly linked to the objectives set out in the Council's Asset Management Strategy.

Councillor Walker asked a supplementary question requesting clarification on what work had been done in preparing the Radcliffe on Trent Masterplan since it started in 2017.

Councillor Brennan stated that the details were set out in the Cabinet report, which highlighted the various reviews that had been considered by the Parish Council, to form the basis of discussions to form the Masterplan.

Question from Councillor Thomas to Councillor Brennan. Councillor Thomas was unable to attend the meeting, so her question was read out by the Leader, Councillor Clarke MBE.

"How much has the latest Radcliffe on Trent master planning exercise cost the Council to date, including committed amounts not yet paid, and from which part of the budget has this been allocated?"

Councillor Brennan stated that for this phase of the exercise £23,934.30 has been spent, which has been funded by the UK Shared Prosperity Fund. £1m was allocated in the Capital Programme for land acquisition and works, as detailed in the Cabinet report.

Question from Councillor Birch to Councillor Upton.

Before reading out his question, Councillor Birch asked to make a statement, which the Chair did not allow. Councillor Birch read out his question.

"Given the report confirms the Council has purchased around 50 acres of land at Upper Broughton for woodland planting to offset carbon emissions, can the Portfolio Holder explain what assessment was undertaken to ensure this represents the most cost-effective way of achieving carbon sequestration, compared with alternative options, such as large-scale tree planting projects elsewhere in the UK or internationally?"

Councillor Upton stated that the Council's approach to carbon offsetting was set out in a Cabinet report on 14 May 2024. The approved Carbon Offsetting Framework identified an ambition to acquire land for offsetting within the Borough, which would also enhance local tree cover and biodiversity commitments, as set out in the Rushcliffe Biodiversity Opportunities Mapping report. In respect of the specific acquisition of land at Upper Broughton, the report approved by Cabinet on 13 May 2025 set out the assessment that was undertaken in line with the Carbon Offsetting Framework.

Councillor Birch asked a supplementary question.

“With some international afforestation schemes reporting planting costs of under 50 pence per tree, the £500,000 spent on the Upper Broughton site could theoretically fund the planting of between one and two million trees, thereby offsetting approximately 300 to 450 times the amount of carbon your scheme will. Why didn't we do this?”

Councillor Upton advised that the detailed reasons why this action was taken were included in the 13 May 2025 Cabinet report.

64 **Asset Management Strategy 2025-2030**

The Cabinet Portfolio Holder for Business and Growth, Councillor Brennan, presented the report of the Director – Development and Economic Growth, which detailed the Asset Management Strategy 2025-2030.

Councillor Brennan advised that the Council had a diverse portfolio, which was extremely important in supporting Council services and required careful management. The Strategy sought to align the asset portfolio with organisational needs and manage property as a corporate resource. The Strategy and Action Plan detailed how the Council managed its land and property over a five year period, as well as referring to Local Government Reorganisation (LGR), and its associated implications going forward. Councillor Brennan confirmed that the Strategy had been scrutinised and endorsed by the Growth and Development Scrutiny Group. The aim of the Strategy, together with details of the types of property held were highlighted in paragraph 4 and Appendices B and C to the report. The Strategy set out how the Council would effectively maintain property, together with optimising financial return and supporting local businesses. It also aligned management of the asset portfolio across the organisation to ensure a ‘one Council’ approach. Councillor Brennan stated that it was particularly important to review the Strategy, with LGR coming forward and the documents set out the Council’s proactive approach to managing its portfolio, together with clear objectives, as detailed in the appendices and she thanked officers for their hard work.

In seconding the recommendation, Councillor Viridi stated that as Portfolio Holder for Finance, he welcomed this review and advised that the Council’s assets represented a significant investment and it was important to take a structured and strategic approach to ensure that they continued to support service delivery. Effective asset management was also an element of the Council’s broader financial stewardship, to protect the long term value of assets. The Strategy provided strategic context, supported the principles that assets should be actively managed and was an important piece of work.

It was RESOLVED that the Asset Management Strategy and Plan be approved.

65 **East of Gamston/North of Tollerton Development Framework Supplementary Planning Document**

The Cabinet Portfolio Holder for Planning and Housing, Councillor Upton, presented the report of the Director – Development and Economic Growth, which detailed the East of Gamston/North of Tollerton Development

Framework Supplementary Planning Document.

Before Councillor Upton introduced the item, the Leader reminded everyone that this report was not about granting planning permission, it was considering a Masterplan.

In introducing the report, Councillor Upton reiterated the Leader's comments and advised that the Masterplan would provide guidance to developers going forward, and if approved this evening, it would not provide any planning approval. He reminded Cabinet that this site had been adopted as a strategic site in 2014, and it was hoped that this SPD would give the Council more control over any future development. Councillor Upton referred to the Cabinet meeting on 13 January 2026, when it had been agreed to pause approval, whilst more detailed information was sought, especially on highway related matters, and he confirmed that significant progress had been made, as detailed in the report. The SPD would try to ensure that any development of separate site parcels would be undertaken in a coordinated and complementary manner, providing guidance on a range of topics, to ensure a high quality design, in line with the Council's vision. Councillor Upton advised that for the site to come forward, strategic infrastructure would need to be delivered, as set out in the Infrastructure Delivery Plan, which would need to be completed before any planning applications were determined and would be secured through Section 106 Agreements. Councillor Upton advised that it was common practice for SPDs to provide guidance and a framework, with more detailed requirements agreed as any site progressed, so it was reasonable for this SPD to be adopted with current highways information, as there were no statutory or national policy requirements for highway matters to be addressed in any more detail.

Councillor Upton advised that since the Cabinet meeting in January, some revisions had been made to the report, including additional text to emphasise that the primary route for pedestrians and cyclists between the site and Gamston would need to be provided, and that could be a bridge, or controlled crossings on the A52. There was additional information detailing the process for assessing risk from potential land contamination and confirmation that the Tollerton Neighbourhood Plan would form part of the Development Plan for this site. Councillor Upton confirmed that the SPD was included in the draft Greater Nottingham Strategic Plan, which was due to be inspected this summer and that there was cross-party support at the recent Local Development Framework Group meeting. He stated that the recent collaborative and aligned approach between all main landowners, developers, National Highways and the County Council marked a significant and positive change, with a single highways access strategy for the entire site now being put forward. The site could make a vital contribution to the Borough's housing land supply, and without the SPD, there was a risk that developers would take current applications to appeal. Further delays could risk putting pressure on releasing new housing sites to maintain the five year housing supply. Councillor Upton acknowledged concerns raised regarding possible land contamination on parts of the site; however, that issue was not for the SPD, it would be dealt with during the planning application process, and through site investigation and remediation conditions attached to any planning approval. However, this SPD did contain more requirements related to any contamination issues. Councillor Upton

concluded by advising that without an SPD in place, there was a significant risk that the Council could lose control over the type and quality of development, and if applications were taken to appeal, the Council would no longer be taking the decision.

In seconding the recommendation, Councillor Inglis recognised the passion and determination from the lobbying group and reiterated previous comments that approval of the SPD would not mean any planning application approval. He agreed that some decisions were difficult to make, and referred to comments, some misinformation and unfounded allegations against the Council being published on social media. Councillor Inglis referred to his long, personal association with the former airfield, and he felt the passion to resist change, but changes had already happened. He confirmed that the SPD had been drawn up to provide some control over planning applications, and Councillor Upton had referred to the consequences of not having one. The Council was now working to tight deadlines, and whilst he appreciated that the detailed highways infrastructure was not yet included, it was a positive that over the past two months all parties had agreed and were committed to one model. Councillor Inglis stated that any issues surrounding an application would need to be resolved before any planning decision was decided and he felt that it was better for the Council to approve the SPD now, to have some control over the development, rather than it be decided by the Government

Councillor J Wheeler reiterated that the Council needed to reach its housing targets and it was encouraging that there was now a uniformed highways approach being put forward. The aim of the SPD was to protect current and future residents as planning applications came forward. He hoped that developers would take on board concerns raised regarding possible land contamination and ensure that the land was safe.

As a Ward Councillor for Gamston, Councillor Viridi acknowledged the strength of feeling and recognised concerns raised by local residents. He stated that it was vital that the Council had a clear framework going forward, and without that uncoordinated development could take place. Adopting the SPD was a rational, structured approach to ensure that the Council retained a strong guiding role.

The Leader acknowledged the tremendous amount of work undertaken to produce this SPD, thanked Planning officers and reminded everyone that approving the SPD did not grant any planning permission, that would be considered during the planning application stage.

It was RESOLVED that:

- a) any recommendations made by the Local Development Framework Group be considered;
- b) the proposed revisions to the draft East of Gamston/North of Tollerton Development Framework Supplementary Planning Document be supported;
- c) the adoption of the East of Gamston/North of Tollerton Development

Framework Supplementary Planning Document be approved; and

- d) the Director – Development and Economic Growth be granted delegated authority, in consultation with the Cabinet Portfolio Holder for Planning and Housing, to make any necessary final graphical, presentational and minor textual changes required to the SPD prior to publication.

66 **Procurement Strategy 2026-2030**

The Cabinet Portfolio Holder for Finance, Councillor Virdi, presented the report of the Director – Finance and Corporate Services, which detailed the Procurement Strategy 2026-2030.

In introducing the report, Councillor Virdi thanked the Director – Finance and Corporate Services and the Finance Team for preparing the report and advised that the report set out how the Council would continue to ensure that procurement across the authority was transparent, compliant and delivered strong value for money. Procurement played an important role in supporting the delivery of the Corporate Strategy and ensuring the best use of public resources. The Strategy reflected the requirements of the Procurement Act 2023, with a clear emphasis on governance, social value and environmental responsibilities. The Strategy would strengthen the Council's approach to contract management, recognising procurement as a strategic function. The Action Plan included in the Strategy set out practical steps the Council would take to strengthen procurement capability. Councillor Virdi reiterated that members' role was to provide oversight, and whilst the report provided the operational framework, officers had delegated authority to make decisions. The Strategy recognised that working with third party suppliers was a legitimate mechanism to ensure effective service delivery. In conclusion, Councillor Virdi stated that the Strategy provided a clear framework showing how procurement would support the Council's priorities going forward.

In seconding the recommendation, Councillor Upton stated that the Strategy ensured the Council's legal compliance and he noted that it had been written in conjunction with the Council's procurement partner, Nottinghamshire County Council.

It was RESOLVED that:

- a) the adoption of the Procurement Strategy 2026–2030 at Appendix A to this report be approved; and
- b) the Implementation Plan and assurance reporting to Governance Scrutiny Group described in the Strategy at Appendix A to this report be noted.

67 **Response to Government Consultation on Proposals for Local Government Reorganisation in Nottinghamshire and Nottingham**

The Leader and Cabinet Portfolio Holder for Strategic and Borough-wide Leadership, Councillor Clarke MBE, presented the report of the Chief Executive, which detailed the Council's response to the Government

consultation on proposals for Local Government Reorganisation (LGR) in Nottinghamshire and Nottingham.

The Leader reminded everyone of the steps already undertaken since the process was started by the Government in December 2024, including the submission of three proposals to Government in November 2025, with Rushcliffe's preferred option being 1b). A Government consultation was due to finish at the end of March and this report detailed the technical responses to the eight questions, which had been considered by the cross-party Task and Finish Group.

In seconding the recommendation, Councillor Brennan stated that she hoped the Government would give due consideration to the responses and make a decision.

It was RESOLVED that the submission of the Council's response to Government's Consultation on Proposals for Local Government Reorganisation in Nottinghamshire and Nottingham be approved.

68 **Quarter 3 Finance Report**

The Cabinet Portfolio Holder for Finance, Councillor Virdi, presented the report of the Director – Finance and Corporate Services, which detailed the Quarter 3 budget position for revenue and capital.

Councillor Virdi advised that the Council remained in a strong and resilient position, with a projected revenue budget efficiency of £1.304m, reflecting careful financial management across the organisation and providing an important buffer against local and national pressures. Appendix A set out proposals to carry budget forward and he referred to the favourable variances and budget pressures as detailed in paragraph 4.1 of the report. In respect of the Capital Programme, Councillor Virdi advised that the report currently forecast a £2.043m underspend, largely due to reprofiling of a number of schemes, as detailed in Table 2. The report detailed wider financial pressures, as highlighted in paragraphs 4.9 and 4.10, and Cabinet noted the emerging pressures, including LGR with £0.661m in reserve, with an additional £0.635m proposed to be earmarked. Councillor Virdi confirmed that the Transformation and Efficiency Plan continued to perform strongly, as detailed in paragraph 4.11 and it was noted that Simpler Recycling would create pressures going forward. In conclusion, Councillor Virdi stated that overall, this was a positive message, the Council remained financially well managed, whilst proactively delivering efficiencies.

In seconding the recommendation, Councillor J Wheeler referred to the importance of financial resilience and stated that it was important not to underestimate the hard work undertaken by officers and Councillors to maintain this. Given LGR, it was also important not to take things for granted, and to remain robust and resilient.

It was RESOLVED that the report be approved and the following be noted:

- a) the projected revenue budget efficiency for the year of £1.304m and

proposals to earmark this for cost pressures, as set out in Appendix A and paragraph 4.1 of the report;

- b) the projected capital budget efficiencies of £2.043m including the budget changes, as set out in Appendix D to the report; and
- c) the projected overspend on Special Expenses of £1.7k, as set out in paragraph 4.6 of the report.

69 Cranmer Neighbourhood Area Application

The Cabinet Portfolio Holder for Planning and Housing, Councillor Upton, presented the report of the Director – Development and Economic Growth, which detailed the Cranmer Neighbourhood Area Application.

Councillor Upton referred to paragraph 1.1 of the report, which detailed the parishes proposed to be covered by this Area Application, and advised that the Council had a statutory duty to consider this. Paragraph 4.6 listed the reasons for this designation, and it was noted that a public consultation had been undertaken, with a summary of comments in Appendix 2. Councillor Upton confirmed that as no issues had been raised to justify rejecting the application, the report was recommending that this Neighbourhood Area be designated. The relevant parishes would then be able to prepare their Plan, which if adopted, following an examination by an Inspector and having overall support for it in a community referendum, then any decisions on future planning applications must be in general conformity with it.

In seconding the recommendation, Councillor J Wheeler stated that it was good to see this collaboration and agreed that it was sensible given the commonality between the areas.

It was RESOLVED that:

- a) the Cranmer Neighbourhood Area as proposed be supported; and
- b) the designation of the Cranmer Neighbourhood Area be approved.

70 Exclusion of the Public

It was resolved that under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

71 Radcliffe On Trent Masterplan

The Cabinet Portfolio Holder for Business and Growth, Councillor Brennan, presented the report of the Director – Development and Economic Growth, which detailed the Radcliffe on Trent Masterplan.

The recommendation was proposed by Councillor Brennan and seconded by Inglis.

It was RESOLVED that:

- a) the Radcliffe on Trent Masterplan and the allocation of £1m to the capital budget (which is included in the budget to be approved by Full Council) to achieve master planning outcomes be endorsed; and
- b) the land acquisitions and works to deliver the initial phase of the Masterplan, as detailed in the body of the report, up to a limit of £1m be approved, with delegated authority provided to the Director – Development and Economic Growth to negotiate terms and complete appropriate due diligence.

The meeting closed at 8.00 pm.

CHAIR

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Cabinet

Tuesday, 14 April 2026

**Update to the Private Sector Housing Enforcement Policy
2026 – 2031**

Report of the Director – Neighbourhoods

Cabinet Portfolio Holder for Housing and Planning, Councillor R Upton

1. Purpose of report

To enable Cabinet to consider and approve the adoption of a new policy relating to housing enforcement, to ensure compliance with the Renters Rights Act 2025.

2. Recommendation

It is RECOMMENDED that Cabinet:

- a) adopts the new Housing Enforcement Policy 2026-31 (Appendix 1) to take effect from 15 April 2026; and
- b) gives delegated authority to the Director – Neighbourhood to make minor changes to the adopted Policy to comply with legislation, guidance and good practice.

3. Reasons for Recommendation

The adoption of a Housing Enforcement Policy as provided in Appendix 1 sets out the way in which the Council intends to secure effective compliance with relevant housing legislation, whilst minimising the burden to the Council, individuals, organisations, and business, including:

- Housing conditions in Private Sector properties (rented and owner-occupied)
- Housing conditions in Registered Provider owned properties (Social Housing)
- Landlords' obligations in the Private Rented Sector
- Houses in Multiple Occupation (HMOs)
- Mobile Home Sites
- New Renters Rights Act implications

4. Supporting Information

- 4.1. Approval of the updated Private Sector Housing Enforcement Policy 2026 – 2031 incorporates new enforcement responsibilities under the Renters' Rights

Act 2025 and adopting the Association of Chief Environmental Health Officers (ACEHO) March 2026 Enforcement Policy as the national standard for Renters' Rights Act enforcement.

- 4.2. The proposed Policy retains all existing Housing Act 2004, licensing, public health and environmental health enforcement processes from the version approved in 2024 and remains situated under the Council's Corporate Enforcement Policy revised and adopted on 14 February 2023.
- 4.3. The updated Policy must be adopted before 1 May 2026, the commencement date of the Renters' Rights Act 2025, to ensure that the Council can discharge its statutory duties relating to enforcement, investigatory powers and reporting obligations.
- 4.4. The Renters' Rights Act 2025 comes into force on 1 May 2026 and introduces changes to private rented sector (PRS) tenancies. This includes:
 - **End of section 21 "no fault" evictions:** Landlords will no longer be able to use a section 21 notice to end a tenancy.
 - **Introduction of assured periodic tenancies:** These will replace assured shorthold tenancies and roll on a monthly basis with no fixed end date – renters will be able to end the tenancy at any point by giving two months' notice.
 - **Reform of possession grounds so they are fair for both parties:** Landlords will only be able to evict tenants when they have a valid reason.
 - **Limit rent increases to once a year in line with the market rate:** Landlords must give tenants at least two months' notice of a rent increase.
 - **Ban rental bidding and asking for more than one month's rent in advance:** It will be illegal to invite or accept bids above the advertised rent.
 - **End to discrimination:** It will be illegal to discriminate against renters who have children or receive benefits.
 - **Right to request a pet:** Landlords cannot unreasonably refuse a tenant's request to have a pet.
- 4.5. The Council will have a new responsibility to enforce these rules where landlords do not comply with them. We want to support the majority of good landlords operating in our Borough to comply with the new rules, while holding to account the minority of those who do not.
- 4.6. The updated Enforcement Policy explains how we will enforce these new rules. This includes imposing a civil penalty (fine) or pursuing a criminal prosecution where a landlord commits a breach or offence.
- 4.7. The starting points for the level of civil penalties are stated in the Government's statutory guidance. The Policy outlines the steps we will take, and factors we will consider, when deciding on the final level of a civil penalty.

- 4.8. The draft Policy is based on a model civil penalty policy endorsed by ACEHO and used by the majority of other Councils'. It is likely that this Policy may require certain minor changes as case law and practice develops and it is therefore requested that delegated authority be given, so that these can be made without requiring further Cabinet approval.

5. Alternative options considered and reasons for rejection

We will be unable to enforce the statutory provisions without a specific policy.

6. Risks and Uncertainties

The adoption of this Policy will reduce the legal/ reputational risk in the event of legal proceedings.

7. Implications

7.1. Financial Implications

Any financial implications are already contained within existing budgets.

7.2. Legal Implications

Local housing authorities have a statutory duty to enforce the landlord legislation in their area. Failure to adopt an updated Housing Enforcement Policy aligned with the Renters' Rights Act 2025 could result in the Council being unable to demonstrate compliance with its statutory duty to enforce landlord legislation once it comes into force on 1 May 2026. This may increase the likelihood of successful challenge to enforcement decisions, particularly where informal action is relied upon without clear justification, or where penalty-setting lacks a transparent and consistent framework.

7.3. Equalities Implications

An Equality Impact Assessment has been completed and no significant impacts have been identified.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

No implications have been identified.

7.5. Biodiversity Net Gain Implications

No implications have been identified.

8. Link to Corporate Priorities

The Environment	Good quality and energy efficient housing can make a positive contribution to climate change
Quality of Life	In terms of the building blocks of health there is direct impact between quality of housing and public health
Efficient Services	The recommendations in this report do not impact on or contribute to the Council's Efficient Services priority
Sustainable Growth	The recommendations in this report do not impact on or contribute to the Council's Sustainable Growth priority

9. Recommendation

It is RECOMMENDED that Cabinet:

- a) adopts the new Housing Enforcement Policy 2026-31 (Appendix 1) to take effect from 15 April 2026; and
- b) gives delegated authority to the Director – Neighbourhood to make minor changes to the adopted Policy to comply with legislation, guidance and good practice.

For more information contact:	Geoff Carpenter Assistant Director for Public Protection 0115 914 8229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	Report to Cabinet 9 July 2024 'Housing Enforcement Policy'
List of appendices:	Appendix 1 – Revised Private Sector Housing Enforcement Policy Appendix 2 – Equality Impact Assessment

Rushcliffe Borough Council

**Draft Housing
Enforcement Policy
2026 - 2031**

Adopted XXXXXXXXXXXXX

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Introduction

Improved housing conditions can save lives, prevent disease, increase quality of life, reduce poverty, and help mitigate climate change. Housing is becoming increasingly important to health in light of urban growth, ageing populations and climate change. (WHO,2018).

Quality of life and the environment are key priorities for Rushcliffe Borough Council as stated in its Corporate Strategy 2024-27.

The Council has Statutory obligations to ensure that all properties let as residential properties throughout the Borough, and those in private ownership, are safe, of good quality, free from major dis-repair and are well managed. The Renters' Rights Act has introduced further duties on the Council to ensure all tenants have security of tenure, all landlords are registered on a national database, tenants are not discriminated against by having pets / children or in receipt of benefits and has strengthened the Councils powers and duties to take enforcement action.

This Policy sits underneath the Council's Corporate Enforcement Policy and its Housing Delivery Plan 2022-27. It sets out the way in which the Council intends to secure effective compliance with the relevant legislation whilst minimising the burden to the Council, individuals, organisations, and business, including:

- Housing conditions in Private Sector properties (rented and owner-occupied)
- Housing Conditions in Registered Provider owned properties (Social Housing)
- Landlord's obligations in the Private Rented Sector
- Houses in Multiple Occupation (HMOs)
- Mobile Home Sites
- Obligations under the Renters Rights Act 2025

The aim of this Policy is to support the way in which enforcement is undertaken to achieve the following objectives:

- Good quality, healthy housing for all households renting and to prioritise action to those which present the greatest risks to the health and safety of the occupants or their visitors.
- Houses in Multiple Occupation (HMOs) are safe and well managed, and all relevant Management Regulations are adhered to.
- All licensable Houses in Multiple Occupation are licensed, and all licensing conditions are met.
- All Mobile Homes sites are safe and well managed in accordance with licence conditions.
- Tenants have security of tenure, are free from illegal eviction and discrimination.

Enforcement Principles

The Council recognises that each case is unique and will be considered on its own merits. When deciding on the appropriate action, Officers will consider the Law, Government Guidance, Council Policies and the sufficiency and reliability of the evidence.

When deciding on appropriate action, Officers will have regards to the Council's Corporate Enforcement Policy. The Council supports the Principles of Good Regulations, as specified under Part 2 of the Legislative and Regulatory Reform Act 2006, and will exercise enforcement activities in a way which reflects these, as outlined below:

Proportionate

Any enforcement action taken will be proportionate to the risks and the seriousness of the breach. This will ensure that the most serious risks are targeted first.

Accountable

Enforcement activities will be open to Public Scrutiny, with clear and accessible policies and a fair and efficient complaints procedure.

Consistent

Enforcement duties will be carried out in a fair and consistent manner. Officers will need to exercise their professional judgement and discretion (where the law allows) according to the circumstances of each individual case. However, the Council will have regards to current procedures, best practice and advice provided by Regulatory Delivery, other Agencies (such as Nottinghamshire Fire and Rescue, the Police, Trading Standards and the Health and Safety Executive) and other relevant professional bodies.

Transparent

We will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return.

Targeted

Enforcement will be primarily directed towards those activities that are likely to give rise to the greatest risks and most serious breaches of legislation, reflecting local need, and national and corporate priorities.

Tenure Groups

The Environmental Health Team have investigative and enforcement powers / duties relating to all Housing regardless of tenure; however, the approach taken will vary depending on the tenure of the household.

Private Tenants

Tenants within rented accommodation are reliant on their landlord, or their landlord's Agent, to maintain their homes in accordance with legal requirements. Where Landlords or Landlord's Agents are putting the Health or Safety of their Tenants or those occupying a neighbouring property at risk, or are failing to meet their statutory obligations, the Council will take action as required by the relevant legislation.

Owner Occupiers

Owner occupiers are responsible for the maintenance and safety issues of their own home. Therefore, formal enforcement action against Owner Occupiers will be limited to exceptional circumstances, and for situations where neighbouring properties are being affected in some way, for example a defect leading to water penetration into a neighbouring property or where there is an 'Imminent Risk' to the Occupier or any visitors to their property.

Registered Providers

Registered Providers (RPs) are regulated by the Regulator of Social Housing (RSH). RPs have their own procedures in place for reporting problems and making complaints and usually have clear response times for addressing any issues. The Environmental Health Team will not normally act against an RP unless the problem in question has been reported to the RP who has then failed to take appropriate action. The Council will consider enforcement action against an RP where there are risks to the tenants and or the wider public and in line with statutory duties and powers.

Types of action available

We will respond to enquiries about substandard, unsafe, and poorly managed properties and adopt a graduated approach to enforcement where the law allows.

Before considering any action in respect of a tenanted property, where it is appropriate, the Tenant(s) will be encouraged to contact their landlord about the problems to give the Landlord an opportunity to respond. In some cases where the Tenant is considered vulnerable or the nature of the concern requires immediate investigation, this may not be appropriate.

Deciding on the Course of Action

The course of action will be decided having regard to the circumstances of each case, including:

- Amount and nature of disrepair
- Vulnerability of the Occupant, if any (e.g., elderly Occupants, young children).
- Effect the problem has on the Occupants, neighbours, or the surrounding area.
- Relevant legislation and statutory duties placed upon the Local Authority to move straight to enforcement action.
- Relevant history of the Owners, Neighbours or Tenant, particularly the Owner's history of carrying out repairs at a pre-formal stage or following service of notice.

No Action

In the case of occupied homes, in some circumstances, it may be appropriate to take no action, for example:

- When the Health and Safety risk is sufficiently low, or when action would be disproportionate, or inappropriate in the circumstances of the case.
- Having taken the tenant's views into account and the Council is not under a statutory duty to do so.
- The allegations or complaints are unsubstantiated.

In such cases, occupiers may be directed to other sources of advice and support, for example the Citizens Advice Bureau. In some cases, the Council will cease to provide a service, for example, where the Tenant unreasonably refuses access to the property owner or a contractor to carry out works; or where a Tenant continually fails to engage with Council Officers.

Advice and Guidance

Council Officers will offer the following:

- Advice as to how the complainant can request repairs or improvements without the need for intervention from the Council.
- Advice and support around issues relating to tenancy matters in relation to the Renters' Rights Act 2025.
- A letter or telephone call to the property owner (without a visit), advising them of the information that the Council has received and allowing them a reasonable period to address the issues.

Pre-formal Action

Pre-formal action involves:

- A visit to the property to further investigate the complaint.
- Background checks and investigations to ensure all relevant certification, testing and tenancy paperwork is all in order.
- Once completed, the Council will write to the property owner identifying the issues and advise on the repair, improvements or changes that are required.

When taking pre-formal action of any nature, Officers will clearly differentiate between what is legally required and what is recommended as good practice.

Where it is deemed appropriate to deal with issues through pre-formal action, the Council will work with the property owner to help them comply with their regulatory requirements. Clear and concise information will be provided along with the Council's contact details.

In cases where the property owner refuses or fails to carry out satisfactory works during the pre-formal stage, the case will usually progress to formal action.

Formal Action

Examples of circumstances in which formal action would be taken include where:

- Pre-formal action has had no effect.
- There is a lack of confidence, due to a history of non-compliance from the property owner.
- The risk to Health, Safety and Wellbeing is such that immediate formal action is necessary.
- The Legislation requires the Council to take formal action with no discretion.

Notice of Entry

Where a complaint of has been received and an inspection is required; a Notice of Entry will be served under Section 239 of the Housing Act 2004 or powers under the Renter's Rights Act 2025 will be utilised.

Complaints of an urgent nature and/or the Council exercising its emergency powers negate the need for the service of a Section 239 Notice.

Where the Council are unable to gain access using a Notice of Entry or where such Notice will defeat the object of entry, the Council are able to make an application to the Magistrates Court for a Warrant to enter.

Serving of a Statutory Notice

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient.

Such statutory notices are likely to require repairs or improvements to be completed within a specified timescale or requiring a specific action. These include notices served under the Housing Act 2004:

Improvement Notices

Where the Council determines that an Improvement Notice should be served in respect of a Category 1 Hazard, work will be required to either remove the hazard entirely or reduce its effect so that it ceases to be a Category 1 hazard. Where the Council determines that an Improvement Notice should be served in respect of a Category 2 Hazard, it will require works considered sufficient either to remove the hazard or reduce it to an appropriate degree.

Suspended Improvement Notices will be considered where it is reasonable, for example when the deferring of the work required is of benefit to the personal circumstances of the occupants.

Prohibition Orders

These can be used in respect of both Category 1 and Category 2 hazards for all or part of a dwelling and are likely to be used if repair or improvement appear inappropriate, due to practicality or excessive cost.

This option may be employed to prevent occupation by a particular description of persons, for example premises with steep staircases or uneven floors which make them particularly hazardous to elderly occupants, or premises with open staircase risers that make them particularly unsuitable for infants.

Hazard Awareness Notices

These may be served to notify occupiers of the existence of hazards, where the risk from a hazard is mitigated by the longstanding nature of the occupancy, or where it is judged appropriate to draw a landlord's attention to the desirability of remedial action as part of a measured enforcement response.

Failure to comply with the Notice or Order may result in works being carried out in default, a Civil Penalty being issued or a Prosecution commenced.

Details of a Notice will be recorded on the Council's Local Land Register against the property to which it relates until the Notice is withdrawn or complied with. This Register is available to the Public and anyone may search for entries upon payment of a fee. Potential purchasers of a property will normally search this Register.

Emergency Remedial Action and Emergency Prohibition Orders

Where a Category 1 Hazard exists, which poses an imminent risk of serious harm to the occupiers or others and immediate action is required to mitigate or remove the risk, appropriate emergency action will be taken.

Examples may include risk of electrocution, fire, noxious gases, explosion, or structural collapse.

Where emergency remedial action is taken, further action will be taken to recover the full costs incurred by the Council.

Works in Default

Where the property owner has failed to undertake legally required works within the permitted time, the Council may carry out the Works in Default. Once the Council has started works, it is an offence to obstruct Council Officers, or any contractors carrying out the works.

The cost of the Works and all other associated relevant costs will be recovered in accordance with the relevant Statutory Provisions. All outstanding debts will be registered as a Local Land Charge against the property and where interest can be charged, this will be added to the debt. The Council may consider using the Enforced Sale Procedures to recover the charges owed, where appropriate.

Carrying out Works in Default is a Discretionary Power, and the Council reserves the right not to do so where the costs of the Works is likely to be high, or there may be difficulties recovering the costs.

A Simple Caution

The Council has the power to issue informal cautions as an alternative to prosecution, where a person admits an offence and consents to the informal caution. Where an informal caution is offered and declined, the Council is likely to consider a prosecution.

An informal caution will be kept on the Council's Register of Cautions. It is likely to influence how the Council deal with any similar breaches in the future and may be cited in court if the offender is subsequently prosecuted for a similar offence.

Prosecution

The Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute, the Council has regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

Prosecution will only be considered where the Council is satisfied that it has enough evidence to provide a realistic prospect of conviction against the defendant(s). Before deciding that prosecution is appropriate, the Council will consider all relevant circumstances carefully and will have regard to the public interest test.

A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence.

Civil Penalties

The power to impose a Civil Penalty as an alternative to prosecution was introduced under the Housing and Planning Act 2016 and enhanced by the Renters' Rights Act 2025. See separate appendix for further detail.

Banning Orders

Where a Property Owner has been successfully prosecuted for certain offences, the Council can apply for a Banning Order. See separate Appendix for further detail.

Rent Repayment Orders

Where the Landlord has committed one or more specific offences, the Council, or in some cases the Tenant, can apply for a Rent Repayment Order. This power has been strengthened and enhanced by the Renters' Rights Act 2025. See separate Appendix.

Who Decides What Enforcement is Taken

For less serious infringements of the law, decisions about the most appropriate course of action are usually determined by the Investigating Officer(s). Decisions are based upon professional judgment, legal guidelines and the scheme of delegation and authorisation adopted by the Council.

For more serious offences, and those where the Council is under a duty to enforce, where the nature of the offence points towards a Civil Penalty or Prosecution, any decision will initially be considered by the Investigating Officers, and reviewed by an Environmental Health Manager and a representative from Legal Services.

Publicity

Where appropriate, publicity will be actively sought for any enforcement action taken which could draw attention to the need to comply with the law or deter anyone else from non-compliance. Information about enforcement actions will be made available on request subject to the restrictions placed on the authority by the Data Protection Act 2018, Freedom of information Act 2000, and General Data Protection Regulations (GDPR).

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Houses in Multiple Occupation

The Environmental Health Service is responsible for ensuring that all Houses in Multiple Occupation (HMOs) comply with necessary Management Regulations and Mandatory Licensing Schemes.

House in Multiple Occupation (HMO) - Definition

The definition of an HMO is given in the Housing Act 2004. Premises classed as HMOs are:

- a building or flat in which, three or more tenants make up two or more households and share basic amenities such as bathroom, toilet or cooking facilities.
- a building that has been converted and does not entirely comprise of self-contained flats.
- a building that is declared an HMO by the local authority
- a converted block of flats where the standard of the conversion does not meet the relevant building standards and fewer than two-thirds of the flats are owner-occupied: this is known as a section 257 HMO.

A household is generally taken to mean a single person, cohabiting partners, or people living together who are members of the same family. There are circumstances where people will be regarded as a single family where they are not related, for example where accommodation is provided for a carer, au pair, or nanny etc.

To be classed as an HMO the property must be used as the tenants only or main residence. Properties let to students and migrant workers will be treated as being their only or main residence, as would properties used as domestic refuges and hostels.

Schedule 14 of the Housing Act 2004 exempts certain buildings from the HMO definition.

Mandatory HMO Licensing

The Housing Act 2004 requires mandatory licensing of certain houses in multiple occupation (HMOs).

Mandatory licensing is required where the HMO is occupied by five or more persons living in two or more separate households. Children of any age contribute to the number of occupants.

Licensing Offences

Where the Council considers that a property needs to be entered to ascertain whether an offence has been committed, an Authorised Officer may enter the property at any reasonable time without giving prior Notice. For example, if the Council receives a report of a property being used as an unlicensed HMO, a visit may be arranged without giving prior notice.

It is an offence to be a person having control of or managing a licensable house in multiple occupation (HMO) without a licence.

Such a person may have a defence if they have applied for temporary exemption from the requirement to have a licence. No offence will have been committed once an application for a licence or for a temporary exemption notice has been submitted. Licence holders or persons in control may have committed an offence if they:

- knowingly permit another person to occupy and this results in more persons or households occupying than authorised by a license, or
- breach any condition of a license.

The Council will investigate all cases of HMOs that are found to be operating without a licence. This is a criminal offence, and if the Council is satisfied that it has enough evidence to provide a realistic prospect of conviction, consideration will be given to the issuing of a civil financial penalty or to prosecution, which could lead to an unlimited fine. The same approach will be taken in instances of an HMO being occupied by more persons than a licence allows.

In the case of breaches of HMO licence conditions, the same approach will be taken, and consideration will be given the issuing of a civil financial penalty, or to prosecution, which could lead to a fine of up to £5,000 per offence.

In addition to the above actions for licensing related offences, the Council will consider seeking a Rent Repayment Order after a person is the subject of a successful Civil Penalty or Prosecution.

Refusal of a Licence

An HMO licence will generally run for 5 years, but we may issue a licence for a shorter period in some circumstances. For example:

- if we have concerns over the management arrangements
- if there has been the need for previous intervention by the Council
- if there has been a history of non-compliance, or
- if planning permission is needed for the building but has not been obtained, a shorter licence period can be issued.

In more serious cases, or where we consider the applicant is not a 'fit and proper person' to hold a licence the Council may refuse to grant one (See separate Appendix). This will normally only be the case if the Council are of the view that there are serious difficulties with the management of the property, the fitness of the applicant to be involved in its management, or if the applicant is subject to a Banning Order. In such cases alternative licensing and management arrangements will need to be put in place. If arrangements for the satisfactory management of an HMO cannot be put in place and there is no prospect of the HMO being licensed within a reasonable time the Council may make an Interim Management Order.

The order can last for up to a year until suitable permanent arrangements can be put in place. If the order expires and the issue has not been resolved the Council can then make a Final Management Order which can last for up to five years and can be renewed.

The Management of Houses in Multiple Occupation (England) Regulations 2006

The Regulations apply to all HMOs, except for section 257 HMOs who have their own broadly similar management regulations, which impose duties on a person managing an HMO. Where compliance with the Management Regulations has not been achieved, then enforcement will be considered based on the impact of the breaches, thereby providing tenants and neighbours confidence that the Council are addressing any issues relating to all HMOs. The enforcement options that will be considered by the Council are a civil financial penalty (see separate Appendix) or a prosecution, which could result in an unlimited fine.

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Mobile Homes

Local Authorities are responsible for safeguarding the interests of Mobile Home Residents living on Residential Mobile Home sites through the Licensing regime under the Caravan Sites and Control of Development Act 1960 as amended by the Mobile Homes Act 2013.

Caravan Sites and Control of Development Act 1960 as amended by the Mobile Homes Act 2013

All site Owners are required to obtain a Site Licence before any land may be used as a Caravan Site. The Council has powers to attach Licence Conditions to a Site Licence that are necessary or desirable for the interests of people living on the site or the Public at large, for example the number of units, the size of the units, the positioning of the units, sanitary provisions etc.

In formulating Site Licence Conditions, the Council must have regard to the Model Standards 2008 for Caravan Sites in England: Caravan Sites and Control of Development Act 1960 Section 5. Section 8 of the 1960 Act allows the Council to change Licence Conditions at any time following consultation with the site owner.

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (“the Regulations) require the manager of a relevant protected site to be a Fit and Proper Person. See separate Appendix.

Enforcement

Section 9A of the Caravan Sites and Control of Development Act 1960 allows the Council to serve Compliance Notices on the Site Owner, where a Breach of a Site Licence Condition has occurred.

Where possible, an informal approach will be taken in the first instance, working to an agreed schedule of works provided to the site owner in writing.

A Compliance Notice can only be used in relation to Breaches of the Site Licence Conditions.

Failure to comply with a Compliance Notice within the given timescale is an offence which on conviction carries a fine. Where the Site Owner is convicted of an offence the Council may carry out Works in Default. Where the Licence Holder has been convicted on 2 or more previous occasions for failing to comply with a Compliance Notice, the Council may apply to the Court for revocation of the Site Licence.

The Council will take emergency action where the Site Owner has failed or is failing to comply with a Site Licence Condition and where, because of such failure, there is an imminent risk of serious harm to the Health or Safety of any person who is or may be on the land.

Appendix 1: Minimum Energy Efficiency Standards

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 are designed to improve the least energy efficient properties those with Energy Efficiency Performance Certificates (EPC) rated F or G.

Unless an exemption applies, a domestic Private Rented Sector property must not be let unless it has a minimum Energy Performance Certificate (EPC) rating of E.

Exclusions and exemptions are detailed in Regulations and the Domestic Private Rented Property Minimum Standard Guidance (or any subsequent Government Guidance), and include:

- Where all 'relevant Energy Efficiency Improvements' for the property have been made (or there are none that can be made) and the property remains sub-standard
- Where a recommended measure is not a 'relevant Energy Efficiency Improvement' because the cost of purchasing and installing it cannot be wholly financed at no cost to the Landlord
- The relevant Energy Efficiency Improvement is wall insulation, and it cannot or should not be installed on the property in question, where the Landlord has obtained written expert advice which indicates that the measure is not appropriate for the property due to its potential negative impact
- The relevant Energy Efficiency Improvements require third party consent, e.g., planning permission and consent has not been given
- The relevant Energy Efficiency Improvements would devalue the market value of the property by more than 5%
- Where the Landlord is exempt due to recently becoming a landlord.

All exclusions and exemptions must be registered by the Landlord on the National Private Rented Sector Exemptions Register and will last for 5 years.

Landlords of a domestic property for which an EPC is not a legal requirement (for example a property which has Listed Building status) are not bound by the prohibition on letting sub-standard property.

- The Council will check for different forms of non-compliance with the Regulations including:
- For any property that is sub-standard (rated F or G); and does not have a registered exemption

- Where the Landlord has registered any false or misleading information on the Private Rented Sector Exemptions Register or has failed to comply with a compliance Notice

Buildings that are not legally required to have an EPC are not required to provide an entry on the Exemptions Register.

The Council will serve a Compliance Notice requiring information from the Landlord to help them decide whether the Landlord has breached the Regulations, this may be served up to 12 months after the suspected Breach. The information requested can include:

- The EPC that was valid for the time when the property was let
- The current tenancy agreement used for letting the property
- Information on energy efficiency improvements made
- Any Energy Advice Report in relation to the property
- Any other relevant document that the enforcement authority requires to carry out its compliance and enforcement functions.

Infringements and Penalties

Infringements which may result in a Penalty Notice:

- Failure to comply with a Compliance Notice
- The letting of a non-compliant property in breach of the Regulations or
- The uploading of false or misleading information to the Exemptions Register.

If the Council confirms that a property is (or has been) let in breach of the Regulations, a Penalty Notice may be served relating to a financial Penalty, a publication Penalty, or both and may be served on a landlord (a person or entity that lets, or proposes to let, a domestic Private rented property) up to 18 months after the Breach.

The financial Penalty amounts will be applied per property and per infringement, up to a maximum of £5,000.

Infringement	Penalty (less than 3 months breach)	Penalty (3 months or more in breach)
Renting out a non-compliant property	£2,000 And/or a Publication Penalty	£4,000 And/or a Publication Penalty
Providing false or misleading information on the Private Rented Sector Exemptions Register	£1,000 And/or a Publication Penalty	
Failing to comply with a compliance Notice	£ 2,000 And/or Publication Penalty	

A Publication Penalty will include the publishing of:

- The Landlords name (except where the Landlord is an individual)
- Details of the Infringement
- The address of the property in relation to which the infringement occurred
- The amount of the financial penalty imposed

The details will be published on a publicly accessible part of the Private Rented Sector Exemptions Register which will be available for view by the Public through the 'gov.uk' website. The Council recognises that each case is unique and will be considered on its own merits.

When deciding on the appropriate action, Officers will consider the Law, Government Guidance, Council Policies and the sufficiency and reliability of the evidence.

Right of Appeal

A Landlord has the right to ask the Council to review its decision to serve a Penalty Notice. This request must be in writing and the Council will consider everything detailed in the request in deciding whether to withdraw the Penalty Notice. Details of the right to make a request and the associated timescales will be included with the Notice.

A Landlord has 28 days to submit an appeal in respect of a Penalty Notice to the General Regulatory Chamber (GRC) of the First-Tier Tribunal. A Landlord may appeal if a request to review the Council's decision results in the Penalty Notice being upheld.

Appendix 2: Electrical Safety Standard Regulations

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 require Landlords of privately rented accommodation to:

- Ensure national standards for electrical safety are met. These are set out in the appropriate 'wiring regulations', which are published as British Standard 7671
- Ensure all electrical installations in their rented properties are inspected and tested by a qualified and competent person at least every five years.
- Obtain a report from the person conducting the inspection and test which gives the results and sets a date for the next inspection and test.
- Supply a copy of this report to the existing tenant within 28 days of the inspection and test.
- Supply a copy of this report to a new tenant before they occupy the premises.
- Supply a copy of this report to any prospective tenant within 28 days of receiving a request for the report.
- Supply the local housing authority with a copy of this report within seven days of receiving a written request for a copy.
- Retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test.
- Where the report shows that further investigative or remedial work is necessary, complete this work within 28 days or any shorter period if specified as necessary in the report.
- Supply written confirmation of the completion of the further investigative or remedial works from the electrician to the tenant and the local housing authority within 28 days of completion of the works.

Landlords must obtain a report giving the results of the test and setting a date for the next inspection. Landlords must comply within 7 days with a written request from the Council for a copy of the report and must supply the Council with confirmation of any remedial or further investigative works required by a report.

The Council may wish to request reports following inspections of properties to ascertain the condition of the electrical installation and confirm the landlord is complying with the Regulations. Inspectors will use the following classification codes to indicate where a landlord must undertake remedial work. More information can be found in the relevant edition of the Wiring Regulations:

- Code 1 (C1): Danger present. Risk of injury.
- Code 2 (C2): Potentially dangerous.
- Further Investigation (FI): Further investigation required without delay.
- Code 3 (C3): Improvement recommended. Further remedial work is not required for the report to be deemed satisfactory.

If the report contains a code C1, C2 or FI, then the landlord must ensure that further investigative or remedial work is carried out by a qualified person within 28 days, or less if specified in the report.

The C3 classification code does not indicate remedial work is required, only that improvement is recommended.

A remedial notice must be served where the local housing authority is satisfied on the balance of probabilities that a landlord has not complied with one or more of their duties under the Regulations. The notice must be served within 21 days of the decision that the landlord has not complied with their duties.

If the Council has reasonable grounds to believe a landlord is in breach of one or more of the duties in the Regulations and the report indicates urgent remedial action is required, it may, with the consent of the tenant or tenants, arrange for a qualified person to take the urgent remedial action and recover their costs.

Otherwise, a remedial notice will be served requiring the landlord to take remedial action within 28 days. Should a landlord not comply with the notice, the Council may, with the tenant's consent, arrange for any remedial action to be taken themselves.

Landlords have the rights to make written representation and appeal against remedial action. The Council can recover the costs of taking the action from the landlord.

Under regulation 11 of the Regulations where the Council is satisfied, beyond a reasonable doubt, that a private landlord has breached a duty under regulation 3, the authority may impose a financial penalty (or more than one penalty in the event of a continuing failure) in respect of the breach.

In determining the Civil Penalty amount, the Council will have regard to any statutory guidance and to the Council's Civil Penalty Matrix attached as an appendix to this policy.

When determining the appropriate sanction, the Council should satisfy itself that if the case were to be prosecuted there would be a 'realistic prospect of a conviction'.

Appendix 3: The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force on 1st October 2015, followed by the Smoke and Carbon Monoxide Alarm (amendment) Regulations 2022 which came into force on 1st October 2022.

The regulations require private sector landlords to:

- Ensure at least one smoke alarm is installed on every storey of their properties where there is a room used for living accommodation.
- Ensure a carbon monoxide alarm is installed in any room used as living accommodation which contains a fixed combustion appliance (excluding gas cookers).
- Make sure the alarms are in working order at the start of each new tenancy, and that they are repaired or replaced once informed and found to be faulty.

Where it is found that a rented home does not comply with these regulations, the Council has a duty to serve a remedial notice.

Landlords who fail to comply with a remedial notice can face a fine of up to £5,000. In determining the value of a penalty charge the Council takes into account the following principles:

- No penalty charge shall be issued above the statutory maximum of £5,000
- No penalty charge shall be less than 20% of the starting value after all aggravating and mitigating factors are considered.
- Mitigating factors will be considered based on evidence submitted by the landlord or their agent to the Environmental Health Team including any information provided following inspection and any representations that the landlord provides following service of a Notice of Intent to issue a Financial Penalty.
- In recovering the value of any financial penalty, The Council will consider the incomes, savings and assets of the perpetrator and where appropriate a payment plan considered.

Starting value of penalty charge (note 1)	£
1st offence	1,000
2nd subsequent offence by same person/company	2,500
Subsequent offences by same person/company	4,000
Aggravating factors (use all that apply) (note 2)	
Acts or omissions demonstrating high culpability. (note 4)	500
Large housing portfolio (note 5)	500
Vulnerable occupant and/or significant harm occurred as result of housing conditions (note 6)	500
Mitigating Factors (use all that apply) (note 3)	
Evidence of Low culpability (note 7)	-500

Notes to accompany charging table

Notes 1-3 set out the overall process for determining the value of a given financial penalty. Notes 4-7 give detail on specific other issues.

Note 1 -Determining the starting value of a financial penalty

The starting point for a financial penalty is based on the number of:

- Previous Final Notices of a Financial Penalty issued under these regulations issued to the same person or corporate entity for the same type of offence in the previous four years. The Council will take into account any such financial penalties irrespective of the locality to which the offence relates.

Note 2 – Aggravating factors

After the starting point as per note 1 has been determined any relevant aggravating factors are considered and where appropriate to do so, the given value is added to the starting point to provide the maximum level of financial penalty.

At this stage it is possible for the notional penalty to be above the statutory maximum, but once mitigation and income are considered, if the value is still above the statutory maximum, it will be capped as per the “general principles”.

Note 3 - Mitigating factors

After aggravating factors are considered and applied where appropriate, mitigating factors are considered and where there is sufficient and compelling evidence the relevant value will be discounted from the Financial Penalty.

In considering whether it is appropriate to include a mitigating factor, evidence shall be considered that has been gathered by the inspecting officer in the course of the investigation into the offence as well as any representations that have been provided following a Notice of Intent.

Note 4 – Acts or omissions demonstrating high culpability

This premium will be applied where, the person to which the financial penalty applies, acted in a reckless or deliberate manner in not complying with the statutory notice or previous relevant formal advice.

Notes 5 – Large housing portfolio

The premium is applied where the perpetrator has control or manages of 10 or more units of accommodation. For the purposes of this premium, the definition of a person having control and person managing are as defined by Housing Act 2004 Section 263.

Note 6 – Vulnerable persons

This note applies where the occupant is considered vulnerable to harm or where significant harm has occurred as result of failure to comply with regulations.

- Vulnerable occupant and/or significant harm occurred as result of the failure to comply with the Regulations.

For the purposes of this factor a vulnerable person is defined as:

A person who suffers, or be at risk of suffering harm or detriment which the ordinary person would not suffer or be at risk of suffering due to age, disability or severe financial insecurity”

This factor applies where an occupant is vulnerable and, due to the underlying failure to comply with the relevant legislation is placed at additional risk or harm compared with a non-vulnerable resident.

For purposes of this factor, significant harm is defined as physical or mental illness or injury that corresponds to one of the four classes of harm as recorded in Housing Act 2004 Section 9 Operating Guidance for the Housing Health and Safety Rating System.

Note 7 – Low culpability

This factor will apply where the perpetrator provides sufficient evidence that they only marginally fell short of their legal obligations, for instance:

- significant efforts were made to address the risk, breaches or offences, although they were inadequate to mitigate the underlying cause to issue the penalty;
- they have offered a reasonable defence for why they were unaware of the risk, breach or offence.
- failings were minor and occurred as an isolated incident.

It will not be sufficient to claim not to have known of the legal requirement or deficiency that forms the underlying reason for the financial penalty in order to benefit from this factor.

It will also not apply where the underlying failure was due to the inaction of the perpetrator in properly managing rented properties, responding to complaints of poor standards, carrying out routine visits, instruct others to assist where necessary etc.

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Appendix 4: Rent Repayment Orders

A Rent Repayment Order (RRO) is an Order made by the First-Tier Tribunal requiring a landlord to repay a specified amount of rent.

- Rent Repayment Orders cover a wide range of offences, as detailed below:
- Failure to comply with an Improvement Notice - Section 30 of the Housing Act 2004
- Failure to comply with a Prohibition Order – Section 32 of the Housing Act 2004
- Breach of a Banning Order - Section 21 of the Housing and Planning Act 2016
- Using violence to secure entry to a property – Section 6 of the Criminal Law Act 1977
- Illegal Eviction or Harassment of the Occupiers of a property – Section 1 of the Protection from Eviction Act 1977
- Offences in relation to Licensing of HMOs - Section 72(1)
- Offences in relation to Licensing under Part 3 of the Act - Section 95(1)
- Offences in relation to the Renters' Rights Act 2025.

Rent Repayment Orders require repayment, of rent, or Housing Benefit, or of the housing costs element of Universal Credit paid in respect of a tenancy or licence, by a landlord/agent who has committed one of the offences listed. The RRO can be granted to either the Tenant or the Council. If the Tenant paid their rent themselves (or a proportion) then the rent (or equivalent proportion) must be repaid to the Tenant. If the rent (or a proportion) was paid through Housing Benefit or through the housing element of Universal Credit, then the rent (or equivalent proportion) must be repaid to the Council. The maximum amount of rent that can be recovered is capped at 12 months.

A Rent Repayment Order can be applied for by the tenant, or the Council, when the Landlord has committed an offence, whether a landlord has been convicted. Where an application for Rent Repayment Order is made and the Landlord has not been convicted of the offence for which the Rent Repayment Order application is being made, the First-Tier Tribunal will need to be satisfied beyond reasonable doubt that the Landlord has committed the offence.

The Council will consider applying for a Rent Repayment Order after a person is the subject of a successful Prosecution, or Civil Penalty for the following offences:

- Failure to comply with an Improvement Notice - Section 30
- Failure to comply with a Prohibition Order – Section 32 of the Housing Act 2004
- Breach of a Banning Order - Section 21 of the Housing and Planning Act 2016
- Offences in relation to Licensing of HMOs - Section 72(1)
- Offences in relation to Licensing under Part 3 of the Act - Section 95(1)
- Offences in relation to the Renters' Rights Act 2025.

In most cases the Council will make an application for a Rent Repayment Order to recover monies paid through Housing Benefit, or through the housing element of Universal Credit and will offer advice and guidance to assist Tenants to apply for a Rent Repayment Order in cases where the Tenant paid the rent themselves.

Appendix 5: Redress schemes for lettings agency and property management work

All letting agents and property managers must belong to one of the Government approved redress schemes.

These schemes include:

- The Property Ombudsman
- The Property Redress Scheme

This means that tenants, prospective tenants, landlords dealing with lettings agents in the private rented sector; as well as leaseholders and freeholders dealing with property managers in the residential sector can complain to an independent person about the service received. This makes it easier for tenants and landlords to complain about bad service and prevent disputes escalating. The Council will act where it is satisfied that, on the balance of probability, someone is engaged in letting or management work and is required to be a member of a redress scheme but has not joined.

Because this requirement has now been in place for a number of years and to reflect the fact that all Lettings and Managing Agents are expected to be aware of their obligations, the applicable penalty will be £5,000. A penalty fine will only be charged if the Council is satisfied that there are extenuating circumstances. It is up to the Council to decide what such circumstances might be, taking into account any representations the lettings agent or property manager makes during the 28 day period following the authority's notice of intention to issue a fine. It is open to the authority to give a lettings agent or property manager a grace period in which to join one of the redress schemes rather than impose a fine.

The Council may impose further penalties if a lettings agent or property manager continues to fail to join a redress scheme despite having previously had a penalty imposed.

There is no limit to the number of penalties that may be imposed on an individual letting's agent or property manager and further penalties may be applied if they continue to be in breach of the legislation.

Appendix 6: Fit and Proper Person Determination and Satisfactory Management Arrangements

The aim of this policy is to ensure that all licensable houses in multiple occupation (HMO's) have appropriate arrangements in place to ensure that they are satisfactorily managed by fit and proper persons in accordance with the Housing Act 2004.

Duties of a person managing an HMO

Under the provisions of The Management of Houses in Multiple Occupation (England) Regulations 2006, any person managing an HMO of any size has a duty of care in respect of providing information to occupiers, taking safety measures, maintaining water supply and drainage, maintaining gas and electricity supplies, maintaining common parts and living accommodation and providing waste disposal facilities. In addition to these requirements, any person applying for an HMO licence must be able to prove to the council that they are a fit and proper person.

The decision to issue an HMO licence

In deciding whether to issue a licence, the council must be satisfied that there are acceptable management arrangements in place or that such satisfactory arrangements can be put in place by the imposition of conditions in the licence.

In considering whether the management arrangements are satisfactory, the council must have regard to the following:

- The suitability of the proposed licence holder and manager (if different) and any other person involved in the management of the property; that is to say that they are in each case a “fit and proper person”
- The competence of the proposed licence holder/manager to manage the building
- The suitability of management structures
- The adequacy of financial arrangements

This document considers the meaning of fit and proper person, the council's approach to deciding whether a person is fit and proper and the factors that the council will take into account when making such decisions. This protocol relates to applications for new licences, as well as to existing licences and applications for their renewal.

What is a fit and proper person test?

Before issuing an HMO licence, the Housing Act 2004 states that the council must be satisfied that the proposed licence holder and manager of the property are a fit and proper person. If not, the licence must be refused unless other satisfactory arrangements can be agreed.

The test is designed to ensure that those responsible for holding the licence and managing the property are of sufficient integrity and good character to be involved in the management of an HMO and that as such, they do not pose a risk to the welfare or safety of persons occupying the property.

A licence may be revoked where the council no longer considers the licence holder to be a fit and proper person and/or that the management of the house is no longer being carried out by persons who are in each case fit and proper to be involved in its management.

What is meant by “involved in the management”?

The council must consider licence holders, managers and others involved in the management of the property.

A person involved in the management, is a person who is able to comply with any licence conditions and deal with the day-to-day issues that arise within an HMO as well as being able to deal with longer term management issues. Typically, but not exclusively, these will include such matters as:

- Emergency repairs and other issues
- Routine repairs and maintenance of the property and its grounds
- Cyclical maintenance
- The management and the provision of services to the building and its grounds
- The management of tenancies or occupants, including dealing with rent matters and tenants' enquiries
- The management of the behaviour of tenants, occupants and their visitors to the property
- Neighbourhood issues (including disputes)
- Engagement with the local authority, Police and other agencies, where appropriate.

The licence holder and the manager can be two different people. Where this is the case, a decision will be made for each of them about whether they are a fit and proper person.

How will the council decide if I am fit and proper?

Each licensing application must be accompanied by a basic disclosure certificate from the Disclosure Barring Service for each licence holder and all persons involved in the management of the licensable property.

A basic disclosure allows the council to confirm whether a licence applicant has a current criminal conviction or not. The information is taken directly from the Police National Computer and printed on an official disclosure certificate from the Disclosure Barring Service.

The licence holder and manager (if different), and any other person involved in the management of the HMO must also sign the official declaration on the HMO licensing application form.

The council may consult with other councils and with council departments and may use any information contained within the database of rogue landlords and property agents under chapter 3 of the Housing and Planning Act 2016.

The council will consider a person to be “fit and proper” if satisfied that they:

- have not committed an offence involving fraud or other dishonesty, or violence of drugs, or any offence listed under schedule 3 to the Sexual Offences Act 2003 (section 66(2)(a) of the Housing Act 2004).
- have not practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in or in connection with the carrying on of any business (section 66(2)(b) of the Housing Act 2004).
- have not contravened any provision of the law relating to housing or landlord and tenant law (section 66(2)(c) of the Housing Act 2004).
- have not acted otherwise than in accordance with a code of practice under section 233 of the act (regarding management of HMOs) (section 66(2)(d) of the Housing Act 2004).
- are not subject to a banning order under section 16 of the Housing and Planning Act 2016

In addition to the above, the council will consider any contravention of legislation relevant to housing. This may include where the council has served a statutory notice, carried out works in default of a notice, taken a prosecution or issued a civil penalty.

The nature of the contravention and its relevance to the management of an HMO and the potential harm associated with the contravention will be taken into consideration.

In relation to any contravention of a provision of the law relating to housing, the council will consider whether a proposed licence holder or manager:

- Has had a licence revoked, refused or has been convicted of breaching the conditions of a licence under parts 2 or 3 of the Housing Act 2004 or is / has operated an HMO without an appropriate licence in place.
- Owns or manages or has owned or managed an HMO or house which has been the subject of a control order under section 379 of the Housing Act 1985 in the five years preceding the date of the application; or any appropriate enforcement actions described in section 5(2) of the Housing Act 2004 (in relation to category 1 hazards).
- Owns or has previously owned a property that has been the subject of an interim or final management order whilst in their ownership, or a special interim management order under the Housing Act 2004.
- Is subject to a banning order under section 16 of the Housing and Planning Act 2016.
- Owns or has previously owned a property for which the council has taken action as described in section 5(2) of the Housing Act 2004, which includes the service of an Improvement Notice, Prohibition Order, Emergency Prohibition Order, Hazard Awareness Notice, Demolition Order or Emergency Remedial Action.

Each case will be decided on its own merits, taking into consideration the circumstances surrounding the contravention, where there has been more than one contravention, repeating nature of contraventions and of any evidence demonstrating good character since the contravention(s).

How will the council make their decision?

Where there is evidence of a relevant offence, unlawful discrimination, contravention, banning order or breach of the code of practice, the council may decide that the person is not fit and proper. Each case will be decided on its own merits and such evidence will not necessarily lead to a conclusion that a person is not a fit and proper person. The council will act reasonably, proportionately, and consistently in its approach to making a decision. It will consider those factors relevant to a person's fitness to hold a licence and/or manage an HMO and disregard those which it considers are not relevant.

Consideration of “persons associated or formerly associated” with the proposed licence holder or manager

Where there is evidence that a person associated, or formerly associated with a proposed licence holder or manager has committed any offence specified in section 66(2) of the Housing Act 2004, that evidence may be taken into account in determining the proposed licence holder's or manager's fitness. The purpose of this requirement is to ensure that only fit and proper persons hold licences or are in any way involved in the management of licensed properties. It would not be appropriate for a licence to be granted to someone, or for someone to be the manager of a property, if that person was merely acting as a front for someone else, who would be considered to be unfit to be the manager or licence holder.

Duration

If someone is determined by the council to fail the fit and proper person test, this will usually remain the case for a period of 5 years. However, the council may consider it appropriate (in the event of lesser offences) to apply a condition to the licence to allow the licence to operate for a reduced term, e.g., 12 months. The conduct of the licence holder can then be monitored, and this taken into consideration in subsequent licensing applications. The council will, in doing so, have regard to this document and the applicant will need to provide sufficient evidence that they are now a fit and proper person.

If the licence holder or manager is found to not be fit and proper, the council will notify them in writing.

What happens if the licence holder fails the fit and proper test during the duration of licence?

Should the council become aware that a licence holder or manager of an HMO commits an offence or breach which would result in the failure of the fit and proper test during the duration of the licence, the council may revoke the licence. At all times the council will consider all evidence available and make decisions in accordance with this protocol.

Should the licence holder be subject to a banning order under section 16 of the Housing and Planning Act 2016 during the duration of an existing licence, the licence holder will fail the fit and proper test and the council must revoke the licence.

What to do if you feel you have been treated unfairly

If you feel you have unfairly been refused an HMO licence you may appeal to the Council, explaining exactly why you believe you should have been granted a licence. The Council will review your case and respond to you within a reasonable timespan.

Residential Property Tribunal

If you are still unhappy with the response, you may appeal to the Residential Property Tribunal. This application must be made within 28 days of the notification of the Council's decision.

Extent of any determination

Where any person involved in the management of a licensable property is deemed not to be a fit and proper person then that determination will apply not only to the licence application under consideration but to all licences to which that person is a party. This information may also be shared with other councils which may have an involvement with the persons assessed.

Data sharing

Information obtained and used for the purpose of determining whether a licence holder or manager is a fit and proper person may be shared with other councils, council department or statutory bodies. Licence applicants agree to this when they sign the application form.

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Appendix 7: Decision to Apply for a Banning Order

This policy explains how the Council will use its powers under the Housing and Planning Act 2016 to ban non-compliant landlords and managing agents from renting out properties within the private rented sector.

This policy should be read in conjunction with the council's Corporate Enforcement Policy.

Introduction

The Council is committed to improving standards in private sector housing, with the aim of ensuring that all private rented accommodation is well managed, properly maintained, safe and habitable. Whilst the Council acknowledges that compliant landlords do operate their business responsibly, there will be a number of irresponsible landlords who knowingly rent out accommodation that is unlicensed, substandard, or unsafe.

Part 2, Chapter 2 of the Housing and Planning Act 2016 enabled Local Authorities to apply to the First-Tier Tribunal (FTT) to impose a banning order on a landlord following conviction for a banning order offence. A banning order offence is an offence of a description specified in The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018.

To utilise the banning order powers, it is best practice to have in place its own policy as to when to pursue a banning order, and to decide the most appropriate course of action on a case-by-case basis in line with that policy.

This policy gives due regard to the non-statutory guidance issued by the Ministry of Housing, Communities and Local Government, which sets an expectation that banning orders should be aimed at the most serious offenders.

Factors in decision making

The following factors will be considered by the local authority in deciding whether to apply for a banning order, and when recommending the length of a banning order:

- the seriousness of the offence
- previous convictions/rogue landlord database
- harm caused to the tenant

- punishment of the offender
- deterrence to the offender from repeating the offence
- deterrence to others from committing similar offences
- Upper Tribunal Decisions

The Seriousness of the Offence

All banning order offences are serious. When considering whether to apply for a banning order the local housing authority should consider the sentence imposed by the Court in respect of the banning order offence itself.

Previous convictions/rogue landlord database

A local authority should check the rogue landlord database to establish whether a landlord has committed other banning order offences or has received any civil penalties in relation to banning order offences. A longer ban may be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities.

The Council will also consider the likely effect of the banning order on the person and anyone else that may be affected by the order and will consider the following:

The harm caused to the tenant

This is a very important factor when determining whether to apply for a banning order. The greater the harm or the potential for harm (this may be as perceived by the tenant), the longer the ban should be. Banning order offences include a wide range of offences, some of which are more directly related to the health and safety of tenants, and could therefore be considered more harmful than other offences (such as fraud).

Punishment of the offender

A banning order is a severe sanction. The length of the ban should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending. It is, therefore, important that it is set at a high enough level to remove the worst offenders from the sector. It should ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities.

Deterring the offender from repeating the offence

The ultimate goal is to prevent any further offending. The length of the ban should prevent the most serious offenders from operating in the sector again or, in certain circumstances; help ensure that the landlord fully complies with all their legal responsibilities in future. The length of ban should therefore be set at a long enough period such that it is likely to deter the offender from repeating the offence.

Deterring others from committing similar offences

An important part of deterrence is the realisation that (a) the local authority is proactive in applying for banning orders where the need to do so exists and (b) that the length of a banning order will be set at a high enough level to both punish the offender and deter repeat offending.

Decision

Having had regard to this policy, a decision to commence the banning order procedure in any case will be confirmed by the Head of Service who will also be responsible for considering any representations made by a landlord served with a notice of intention and for the decision to make an application for a banning order, including the recommended duration of the ban.

Publicity following a banning order

Where a successful banning order has been made, details of all banning order offences will be published and held on a national register.

Subject to legal advice, the Council will consider publishing details of successful banning orders including the names of individual landlords/any business (managing or lettings agency), having reference to the DLUHC guidance and guidance provided by the Ministry of Justice.

Information on banned landlords will be made available to tenants where it is in the public interest to do so or at the request of the tenant.

Appendix 8: Mobile Home Site Manager – Fit and Proper Person Determination

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (hereafter ‘the Regulations’) prohibit the use of land as a residential mobile home site unless the Local Authority is satisfied that the owner or manager of the site is a fit and proper person to manage the site. The purpose of the fit and proper person test is to improve the standards of park (mobile) home site management.

When conducting the fit and proper person assessment, the Council will consider the following points relevant to the application:

1. Is the individual able to conduct effective management of the site.

This includes, but is not limited to, securing compliance with the site licence and the long-term maintenance of the site. The Council must have regard to:

- Whether the person has a sufficient level of competence to manage the site. I.e., it is a non-commercial, family occupied site under Regulation.
- The management structure and funding arrangements for the site, or the proposed management structure and funding arrangements.

Competence to manage the site

This includes reviewing the competency of the appointed individual. The individual must have sufficient experience in site management, or have received sufficient training, and be fully aware of the relevant law as well as health and safety requirements.

The management structure and funding arrangements for the site

The Council must consider whether relevant management structures are in place and whether they are adequate to ensure effective management of the site. The applicant is expected to have a robust management plan, which should address following:

- the pitch fee payment,
- proximity of the manager to the site,
- manager’s contact details for residents (including out of office and emergency contact details),
- the complaints procedure,
- maintenance, refuse/recycling removal.
- staffing.

It is advisable that the site is managed by an applicant based in the UK and that a management structure would be unlikely to be considered suitable if the applicant is an individual, or a company (including its directors), which does not reside or have a permanent UK address. This is because there may be complex issues because of this, such as needing the court's permission to serve a claim in a foreign country.

The applicant's interest in the land will have an important impact, as would their financial standing, management structures and competence, all of which could contribute to the overall assessment of their suitability to manage to effectively manage the site.

The proposed management structure and funding arrangements in place for managing the site. The Council must consider whether the applicant has sufficient funds (or has access to sufficient funds) to manage the site and comply with licence obligations. Evidence of these funds should be readily available.

2. Personal information relating to the applicant concerned.

This would include a criminal record check and should include evidence that the applicant:

- has not committed any offence involving fraud or other dishonesty, violence, firearms or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (Offences attracting notification requirements)
- has not contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning, or environmental health or of landlord and tenant law
- has not contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business
- has not harassed any person in, or in connection with, the carrying on of any business
- is not or has not been within the past 10 years, personally insolvent
- is not or has not been within the past 10 years, disqualified from acting as a company director
- has the right to work in the UK
- is a member of any redress scheme enabling complaints to be dealt with in connection with the management of the site (when this is in place)

The Council has a duty to investigate any conduct which could amount to harassment and any evidence obtained will be reviewed to determine whether it is sufficient to be used to prosecute a site owner. Local authorities may rely on convictions by the courts as evidence of harassing behaviour.

The Council may have records of previous harassment complaints made against a site owner, or their manager and even if no action was taken on these complaints, they will still be taken

into consideration in the fit and proper person determination. These complaints may identify further potential risks and can provide an indication of potential underlying problems with the management of the site, or the site owner's lack of experience/skills in dealing with customers.

The Council may address any underlying issues by attaching conditions to the individual's entry on the register.

3. Rejection of an application by other local authorities.

Upon rejection of a person's application by any other local authority this should be centrally recorded and include the details of the person involved and the reasons for the rejection.

4. Other Factors

The Regulations are drafted widely giving the opportunity for local authorities to take into consideration other relevant matters. The Council is mindful that poor management practices do not necessarily affect a person's conduct unless they are a breach of the criminal or civil law. A person cannot be deemed unfit due to conduct, simply because of poor management, although this is highly relevant to determining any question of suitability or competence. All conduct is relevant in relation to the person's fitness to hold a licence and/or manage the mobile home site.

The Council can decide the specific matters they deem relevant to the fit and proper person application. These matters could be in relation to current or previous issues, or events, that have occurred in relation to the mobile home site, or any other mobile home site owned or managed by the site owner, or site manager, in another local authority area. Additionally, the site owner's conduct regarding other business, outside of the mobile homes sector, can have implications on the financial and management arrangements of the site in question. Any matters which the Council believe to be of relevance to the application should primarily focus on the relevant person's conduct, competence, and their suitability to manage the site.

The Council aim to obtain evidence to support any additional matters that they require to be taken into consideration for each application. The evidence could include previous tribunal and court decisions, documents or records from Companies House, or other public bodies or financial institutions. It is not anticipated that allegations which have not been investigated or documented will be used as evidence to support a decision.

Appendix 9: Enforced Sale Policy

This section should be read in conjunction with our published Enforced Sale Protocol and Procedure for Long Term Problematic Empty Homes, last published in 2019.

This part of the policy confirms when we will consider using the power of enforced sale.

Criteria for an Enforced Sale of a Long-Term Empty Home

As with most enforcement options available, an Enforced Sale will typically only be used as a last resort. Also, it is not used as a substitute for other types of informal action, but rather as a consequence of such other action failing to resolve the fundamental problems of a specific empty property. The Council will only pursue an Enforced Sale if, after having exhausted all informal and formal courses of action to resolve the issues, this presents the only viable solution.

If all appropriate steps have been taken and the property continues to remain empty, with no reasonable signs of becoming occupied, an Enforced Sale may be pursued, provided it meets all of the following criteria:

- It is an empty home that has been empty for over 6 months.
- The property or land has outstanding financial local land charges registered in Part 2 of the Local Land charges register, of over £1,000. However, if an empty property is causing a problem where the debt is below £1,000 and the owner cannot be traced or is refusing to co-operate, the use of the enforced sale could still be considered (The smaller the debt the greater the justification for initiating an Enforced Sale will need to be).
- The debt has been owed to the Council for more than three months.
- The owner is either unknown to the Council (having made all reasonable effort to ascertain ownership details) or cannot be found or is known but cannot be located. Or having been located, has been afforded every opportunity to improve the property or land or dispose of it, but has shown no inclination to do either.
- The location of the property or land and the prevailing tenure or economic conditions of the area indicates that sale and occupation would be readily achieved.
- The action is in the interests of the community and the local environment and is the best means of ensuring that the property or land is not allowed to deteriorate again or further.

Appendix 10: Civil Penalties under the Renters' Rights Act 2025 and other Housing Legislation

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Policy for adoption by local authorities in England

Civil penalties under the Renters' Rights Act 2025 and other housing legislation.



Version for use where there are NO SELECTIVE LICENSING AREAS

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Civil penalties under the Renters' Rights Act 2025 and other housing legislation

This policy applies once the Council has made a decision to commence civil penalty proceedings.

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, corporate landlords, directors of corporate landlords, registered providers of social housing and any other person involved in the letting or management of accommodation.

In this policy, the term 'corporate landlord' should be read as referring to a body corporate that meets the definition of 'landlord' above.

In this policy, the terms 'House in Multiple Occupation' or 'HMO' are defined by the Housing Act 2004.

The following breaches are subject to a civil penalty with a statutory maximum of £7,000:

- Failure to give a written statement of terms and any other prescribed information under section 16D of the Housing Act 1988.
- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988.
- Attempting to end a tenancy by service of a notice to quit under section 16E of the Housing Act 1988.
- Attempting to end a tenancy orally or requiring that it is ended orally under section 16E of the Housing Act 1988.
- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988.
- Relying on a ground where the landlord does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988.
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988.
- Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025.
- Discrimination relating to children in the lettings process under section 33 of the Renters' Rights Act 2025.
- Discrimination relating to benefits in the lettings process under section 34 of the Renters' Rights Act 2025.
- Failure to specify proposed rent within a written advertisement or offer under section 56 of the Renters' Rights Act 2025.
- Inviting, encouraging or accepting any offer of rent greater than the stated rate under section 56 of the Renters' Rights Act 2025.

The following breaches are subject to a civil penalty with a statutory maximum of £40,000:

- Breach of duty under Regulation 3, 3B, 3C, and 3D of The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020.

The following offences are subject to a civil penalty with a statutory maximum of £40,000:

- Unlawful eviction and harassment of occupier under section 1 of the Protection from Eviction Act 1977.
- Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn under section 16J of the Housing Act 1988
- Conduct giving rise to liability under s.16I, where within the preceding five years the landlord has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct under section 16(J) of the Housing Act 1988.
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988.
- Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 under section 16J of the Housing Act 1988.

- Breach of a banning order under section 21 of the Housing and Planning Act 2016.
- Failure to comply with an Improvement Notice under section 30 of the Housing Act 2004.
- Contravention of an overcrowding notice under section 139 of the Housing Act 2004.
- Failure to obtain a selective licence under section 95 of the Housing Act 2004.
- Failure to obtain an HMO licence under section 72 of the Housing Act 2004.
- Knowingly permitting over-occupation of an HMO under section 72 of the Housing Act 2004.
- Failure to comply with management regulations in respect of HMOs under section 234 of the Housing Act 2004.
- Failure to comply with HMO licence conditions under section 72 of the Housing Act 2004.
- Failure to comply with selective licence conditions under section 95 of the Housing Act 2004.

If a landlord has committed multiple breaches or offences, a separate civil penalty can, and usually will, be imposed for each breach and offence. In each case, the level of any civil penalty imposed will be determined in accordance with this policy.

If multiple landlords have committed the same breach or offence at the same property, a separate civil penalty can, and usually will, be imposed on each offender. In each case, the level of civil penalty imposed on each offender will be in accordance with this policy.

This policy outlines the Council's methodology and mechanism for assessing and setting the level of a civil penalty at all stages where a civil penalty is under consideration, including the preparation of a notice of intent, and where a final decision has been made to impose a civil penalty.

When applying the civil penalties matrix, interim calculations at individual stages may result in figures that exceed the statutory maximum. Where the final amount reached following application of all relevant steps exceeds the statutory maximum, the civil penalty will be reduced to the applicable statutory maximum.

The Council considers the need for transparency and consistency to be of primary importance to ensure fairness in the discharge of its functions. The general objective of this policy is, therefore, to promote both transparency and consistency in the imposition of financial penalties so that those involved in the letting or management of accommodation (a) know how the Council will generally penalise relevant breaches and offences and (b) are assured that, generally, like cases will be penalised similarly, and different cases penalised differently.

The Council recognises that, despite its best efforts, landlords may operate unlawfully for a significant period without detection, and that only a proportion of those committing relevant breaches and offences will be identified. Accordingly, the Council seeks to ensure that civil penalties are set at a level that makes it clear to the landlord concerned and to others that operating unlawfully as a landlord is financially disadvantageous when compared to operating lawfully.

The Council has a duty to act fairly, transparently and consistently when assessing civil penalties. To maintain fairness between all landlords, the Council will not give weight to claims advanced as factors that might reduce the amount of a civil penalty unless those claims are supported by evidence that the Council reasonably considers to be relevant, reliable, credible, and sufficient in scope and detail to enable proper assessment of the claim, having regard to the nature of the claim, the information ordinarily available to the landlord, and the need for consistent and fair decision-making. Allowing inadequately evidenced assertions to influence outcomes would risk rewarding those who provide incomplete or misleading information and would create an unfair advantage over

landlords who provide a full and properly evidenced account. Accordingly, the Council expects landlords against whom a civil penalty is being considered to provide all documents and records that would ordinarily exist if their account were accurate. Where such evidence is not provided, and no explanation that the Council considers adequate is given, the Council may draw an adverse inference.

Where claims are advanced without sufficient supporting evidence, the Council may request specified supporting material before determining whether to issue a final notice or whether any mitigation has been sufficiently evidenced so as to justify a lower civil penalty.

The further objectives of using financial penalties in particular as a means of enforcing the above breaches and offences are explained below.

Statutory Guidance

The Government has issued statutory guidance entitled “Civil penalties under the Renters' Rights Act 2025 and other housing legislation”. The Council has regard to this guidance in the exercise of their functions in respect of civil penalties.

The Council has considered the following factors in developing this civil penalty policy to help ensure that the civil penalty is set at an appropriate level.

Severity of the breach or offence. The more serious the breach or offence, the higher the penalty should be.

Culpability and track record of the offender. A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities.

The harm caused to the tenant. This is a very important factor when determining the level of penalty. The greater the actual harm or the potential for harm, principally to the tenant but also potentially the local community, the higher the penalty should be.

Punishment of the offender. The penalty should, in a way that is fair, both punish the offender and demonstrate the consequences of not complying with their responsibilities.

Deter the offender from repeating breaches or offences. The ultimate goal is to prevent any further offending and help ensure that the offender fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a level that it is likely to have a very significant deterrent effect.

Deter others from committing similar breaches or offences. While the fact that someone has received a civil penalty may not be in the public domain, the civil penalty policy itself will be and local authorities should consider how their formal enforcement activity can be effectively publicised.

An important part of deterrence is the realisation on the part of landlords that the local housing authority is proactive in levying civil penalties where the need to do so exists and the civil penalty will be set at a high enough level such that operating lawfully will be the sensible financial choice.

Remove any financial benefit the offender may have obtained as a result of committing the breach or offence. The principle here is that it should not be in the offender’s financial

interest to commit a breach or offence rather than comply, for example that the penalty for breaching licensing conditions in respect of occupancy of a property is less than the additional rent received as a result of the over-crowding. The absence of any financial benefit to the landlord does not mean though that the penalty should be reduced.

Civil Penalties Matrix

In determining the level of a civil penalty, officers will have regard to the matrix set out below. The matrix consists of the following sequential steps:

1. Determining the starting point based on the seriousness of the breach or offence.
2. Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord (“Landlord Type”)
3. Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants.
4. Financial considerations.
5. Applying the totality principle.

Starting point based of seriousness of the breach or offence

The Ministry of Housing, Communities & Local Government has provided statutory guidance that prescribes starting points for all breaches and offences based on the seriousness of the breach or offence. The exception to this prescription is for breaches of licensing conditions under sections 72(3) and 95(2) of the Housing Act 2004, where the Council has determined its own starting levels based on the seriousness of the specific licence condition or type of licence condition that has not be complied with.

Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; experience of the landlord (“Landlord Type”)

While all landlords are expected to comply fully with their legal obligations, the Council considers that a higher standard of professionalism and regulatory awareness is reasonably expected of landlords who operate at greater scale, who have greater experience, or who are involved in more complex forms of letting. Where such landlords fail to comply with their obligations, this will ordinarily justify a higher civil penalty.

In particular, a higher degree of professionalism is expected of landlords who:

- Control, own, or manage a significant portfolio of properties;
- Have significant experience in the letting or management of property;
- Are or have been involved in the letting or management of Houses in Multiple Occupation (HMOs);
- Are corporate landlords; or
- Are or have been directors of corporate landlords.

An upward adjustment of 20% of the applicable starting point will be applied where the landlord meets any one or more of the following criteria:

- The landlord has, at any point in time, controlled, owned, or managed six or more properties. These properties need not have been held concurrently or at the time civil penalty proceedings are brought.
- The landlord has, at any point in time, controlled, owned, or managed three or more properties that operated as HMOs, whether or not concurrently.
- The landlord is, or has previously been, a director of a corporate landlord.
- The landlord is a corporate landlord.
- The landlord has, in the Council's assessment and by reference to the available evidence, significant experience in the letting or management of property.

A downward adjustment of 20% of the applicable starting point will be applied only where all of the following criteria are met:

- The landlord has, at any point in time, controlled, owned, or managed no more than two properties.
- The landlord has controlled, owned, or managed no more than one property that has operated as an HMO, at any point in time.
- The landlord has, in the Council's assessment and by reference to the available evidence, very limited experience in the letting or management of property.

Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants

To promote fairness and consistency in the administration of civil penalties, the Council will apply a structured and consistent framework when determining the extent to which mitigating and aggravating factors affect the quantum of any civil penalty.

General approach

Each breach or offence may have offence-specific mitigating and/or aggravating factors, which will be considered alongside the generic factors set out below.

Where multiple civil penalties are issued under this policy against the same landlord at the same time, and except where expressly stated otherwise, mitigating and aggravating factors will be considered and applied separately to each civil penalty when determining the quantum of each penalty.

Mitigating factors

The Council may reduce the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of mitigating factors.

Only in exceptional circumstances may the Council depart from the application of this policy in respect of mitigating factors and apply a reduction in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple mitigating factors.

Within the framework of this policy, the Council has not sought to provide an exhaustive list of mitigating factors, recognising that a wide range of circumstances may potentially give rise to mitigation. However, the following generic mitigating factors will be considered in respect of each breach or offence:

Steps taken to remedy the basis of the breach or offence

Non-exhaustive examples include:

- Promptly remedying all elements of the breach or offence after receiving communication from the Council.
- Promptly remedying all the significant elements of the breach or offence leaving only less significant elements of the breach or offence.

A high level of cooperation

Non-exhaustive examples include:

- Proactive provision of significant information the Council reasonably considers relevant beyond that required by statutory notice.

Acceptance of liability

Non-exhaustive examples include:

- Accepting liability before or within the period for representations.

Where a landlord relies on a reasonable excuse defence or otherwise contests liability, this mitigating factor will not usually apply.

Health circumstances

Non-exhaustive examples include:

- A serious health condition or medical incident experienced by the landlord during, or in the period immediately preceding, the breach or offence, where there is clear and reliable evidence that the condition had a direct and material impact on the landlord's ability to comply with the relevant legal obligation. Examples may include, but are not limited to, a heart attack, stroke, cancer diagnosis, or other acute or serious medical event causing significant incapacity or impairment.

Diminished culpability (limited responsibility)

Non-exhaustive examples include:

- A joint landlord who has evidenced that compliance arrangements for the subject property were directed and controlled by another joint landlord, and not by them.
- A landlord who became involved only after an unforeseen change in circumstances (such as the death of the previous landlord) and who committed the breach or offence only for a limited period while putting their affairs in order.

The instruction of a managing or letting agent, or reliance on an agent's actions or omissions, will not of itself constitute diminished culpability.

Aggravating factors

The Council may increase the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of aggravating factors.

Only in exceptional circumstances may the Council depart from the application of this policy in respect of aggravating factors and apply an increase in excess of 20%. Exceptional circumstances are rare and unusual and are not established merely by the presence of multiple aggravating factors.

The following generic aggravating factors will be considered in respect of each breach or offence:

Previous history of non-compliance.

Non-exhaustive examples include:

- Previous successful prosecutions (including relevant spent convictions), previous civil penalties, previous rent repayment orders, previous works in default, previous simple cautions.

Concurrent investigations or proceedings relating to other civil penalties, prosecutions, or rent repayment orders will not be treated as previous non-compliance.

Non-cooperation with the Council.

Non-exhaustive examples include:

- Failure to comply with notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, section 235 of the Housing Act 2004, or section 114 of the Renters' Rights Act 2025.
- Failing to provide a substantive response to a letter of alleged offence.
- Failing to attend previously agreed meetings.

Where the Council has prosecuted, or is pursuing a prosecution, in respect of the same act or omission involving failure to provide legally required information (including failure to comply with a statutory notice), that conduct will not also be treated as an aggravating factor for the purposes of setting the civil penalty, in order to avoid double counting.

Where multiple civil penalties are imposed against the same landlord at the same time, this aggravating factor will be applied only to the civil penalty with the highest starting point, unless there is a clear and reasoned basis for applying it differently.

Deliberate intent or negligence when committing the offence.

Non-exhaustive examples include:

- Knowledge that the breach or offence was occurring.
- Continuation of offending after communication from the Council.
- Premeditation or planning, including steps taken to prevent detection or effective investigation.
- Providing false or misleading information to the Council.
- Applying pressure to occupants to deter cooperation with the Council.

The number of occupants affected.

Non-exhaustive examples include:

- 3-5 occupants affected.

Duration of non-compliance.

Non-exhaustive examples include:

- The offence or breach occurred over a 3–6 month period.

Vulnerability of occupants

Non-exhaustive examples include children and young adults, persons vulnerable by reason of age, disability or sensory impairment, persons with drug or alcohol dependency, victims of domestic abuse, children in care, persons with complex health needs, persons who do not speak English as a first language, victims of trafficking or sexual exploitation, refugees, asylum seekers, and pregnant women.

Financial considerations

The Council will review the quantum of the civil penalty and consider whether it is sufficient to act as an effective deterrent to future non-compliance. Where the Council has evidence that it considers to be sufficiently reliable regarding rental income and/or asset value from the landlord's, it may determine that an increase in the level of the penalty is appropriate in order to achieve effective deterrence.

It is essential that, as an absolute minimum, landlords do not financially benefit from their offending behaviour.

Financial circumstances will ordinarily be considered after any written representations have been received and as part of the determination of any final notice.

Where a landlord seeks to rely on a strained or limited financial position as a basis for reducing the level of a civil penalty, that position must be supported by appropriate and verifiable evidence sufficient to enable the Council to assess the landlord's financial position consistently, objectively, and transparently. Unsupported assertions, partial disclosure, or selective provision of information will not be given weight.

At a minimum, and where such information exists, the following should be provided as part of any written representations:

- The last three full tax years full self-assessment tax returns filed with HMRC, including all additional and supplemental pages;
- The last three full tax years' SA302 documents & tax year overviews;
- The last three months' payslips;
- The last three years P60 certificates;
- The last twelve months' Universal Credit payment statements;
- A list of all property assets owned or jointly owned (not limited to rental properties), together with corresponding Land Registry title documents;
- A list of all property assets owned, or held on a long lease, by any corporate entity in which the landlord has a beneficial interest, together with corresponding Land Registry documentation;
- The most recent annual mortgage statement for each property, or the last twelve months' mortgage statements where the mortgage has been in place for less than twelve months;
- Valuation statements for all ISAs held;
- Statements from any cryptoasset exchange accounts showing balances and valuations;
- A list of all shareholdings;
- Recent bank statements for any account holding a balance in excess of £5,000;

- Recent statements for all secured and unsecured loans;
- Bankruptcy orders and official notifications of bankruptcy.

Where the Council is not satisfied that it has been provided with sufficiently reliable, complete, and accurate information to assess the landlord's financial position, the Council may draw the inference that the landlord is able to pay the civil penalty as imposed.

A claimed inability to pay will not, of itself, outweigh the need to ensure effective deterrence or to remove any financial benefit obtained as a result of the breach or offence.

The totality principle

The Council will have regard to the totality principle to ensure that the overall outcome of its enforcement action is just and proportionate. In exceptional cases, and having regard to the particular circumstances of the case, the Council may take account of totality at an earlier stage by deciding not to pursue a civil penalty in respect of a specific breach or offence where doing so would render the overall outcome disproportionate.

In general, however, the application of the totality principle will form the final step in the Council's decision-making process, undertaken after any written representations have been considered and before final notices are issued, once the level of each individual civil penalty has been assessed in accordance with this policy.

As a final step before issuing final notices, the Council will consider whether multiple civil penalties being imposed under this policy against the same landlord at the same time result in an aggregate amount that is just and proportionate. Where the Council concludes that the aggregate amount would not be just and proportionate, it will consider whether a proportionate reduction of the penalties is appropriate.

The totality principle does not operate across different legal persons who are separately liable in law, nor does it operate across civil penalties imposed at different times. In general, it applies only to multiple civil penalties imposed under this policy on the same person at the same time. Where, however, legislation provides that an officer of a body corporate, or a person concerned in its management, may be separately liable in relation to the same conduct as the body corporate, and that officer also holds a shareholding interest in the body corporate, the Council will, where civil penalties are imposed at the same time on both the body corporate and the officer arising from that same conduct, consider whether the combined outcome results in punitive duplication and is therefore not just and proportionate.

Where a reduction is applied under the totality principle, the Council will ordinarily do so by applying a uniform percentage reduction across all relevant civil penalties being issued at the same time, being those civil penalties that form part of the same totality assessment. Where, however, the application of the totality principle is required to address punitive duplication arising from a shared economic interest between a body corporate and an officer, the Council may apply a differential adjustment to ensure that the overall outcome is just and proportionate.

This approach reflects the statutory guidance on the application of the totality principle and is intended to promote consistency, transparency, and proportionality, while avoiding arbitrary or selective adjustment of individual penalties.

In accordance with the statutory guidance, any rent repayment orders made in respect of the same breach or offence will be disregarded for the purposes of assessing the totality of civil penalties under this policy.

Offences and breaches where a civil penalty may be levied and relevant considerations as to the level of that penalty

Protection from Eviction Act 1977 offences

Unlawful eviction and harassment of occupier - section 1 of the Protection from Eviction Act 1977

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Violence or threats of violence.
- Disposal of possessions or threats to dispose of possessions.
- Breach or evasion of an injunction or undertaking.
- Loss of home.

Housing Act 1988 breaches and offences

Failure to give a written statement of terms and any other prescribed information - section 16D of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- Provision of some of the required terms and prescribed information within the required period.

Offence-specific aggravating factors:

- None.

Attempting to let a property for a fixed term - section 16E(1)(a) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Attempting to end a tenancy by service of a notice to quit - section 16E(1)(b) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

Attempting to end a tenancy orally or requiring that it is ended orally - section 16E(1)(c) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

Serving a possession notice that attempts to end a tenancy outside the prescribed section 8 process - section 16E(1)(d) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit.

Relying on a ground where the person does not reasonably believe that the landlord is, will, or may be able to obtain possession on that ground and the tenant(s) surrendered the tenancy within the period of four months beginning with the date of the contravention, without an order for possession of the dwelling-house being made - section 16E(1)(e) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Failing to provide a tenant with prior notice that a ground which requires it may be used - section 16E(1)(f) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe - paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- Provision of some of the required prescribed information within the required period.
- Provision of prescribed information but not in the prescribed form.

Offence-specific aggravating factors:

- None.

Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn — section 16J(3) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Conduct giving rise to liability under s.16I, where within the preceding five years the person has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct – section 16(J)(4) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

Offence-specific mitigating factors:

- Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.

Offence-specific aggravating factors:

- Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988.

Relying on a ground where the person knows that the landlord would not be able to obtain an order for possession on that ground, or being reckless as to whether the landlord would be able to do so and the tenant(s) surrendered the tenancy within the period of four months beginning with the date the ground was relied on, without an order for possession of the dwelling-house being made – section 16J(1) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£30,000	£40,000	£24,000	£30,000	£36,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 - section 16J(2) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Housing and Planning Act 2016 offences

Breach of a banning order - section 21(1) of the Housing and Planning Act 2016

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- A single, isolated incident.

Offence-specific aggravating factors:

- Concealment or evasion.

Renters Rights Act 2025 breaches

Discrimination relating to children in the lettings process – section 33(1) of the Renters’ Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Discrimination relating to benefits in the lettings process – section 34(1) of the Renters’ Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Failure to specify proposed rent within a written advertisement or offer – section 56(2) of the Renters’ Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

Inviting, encouraging or accepting any offer of rent greater than the stated rate – section 56(3) of the Renters’ Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- None.

The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 breach of duties

Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (3)(b), (3)(d), (3)(e). Regulation 3D: (a), (b), (c), (f)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£5,000	£40,000	£4,000	£5,000	£6,000

Offence-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (3)(ca), (5)(b), (5)(c). Regulation 3B: (1)(a), (1)(b), (1)(c). Regulation 3C: (1), (2)(a). Regulation 3D: (d), (e)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- The report or record evidences that the electrical installations were compliant at all points.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

Failure to comply with The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020 Regulation 3: (4), (5a), (6). Regulation 3C: (2)(b), (4)

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The number or nature or severity of the issues observed on the report or record.

Housing Act 2004 offences

Failure to comply with an improvement notice - section 30(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- The nature and extent of hazard(s) that are present once the deadline for compliance has passed.
- Whether the property is unoccupied once the deadline for compliance has passed.
- Access to the property was prevented by the actions or refusal of the occupant(s) and a landlord can evidence that they took steps to obtain access to the property for the purpose of carrying out the required works, but those steps fell short of establishing a reasonable excuse for non-compliance.

Offence-specific aggravating factors:

- The nature and extent of hazard(s) that are present once the deadline for compliance has passed.

Failure to comply with an overcrowding notice - section 139(7) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The level of overcrowding present.

Failure to obtain an HMO licence - section 72(1) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£17,000	£40,000	£13,600	£17,000	£20,400

Offence-specific mitigating factors:

- None.

Offence-specific aggravating factors:

- The landlord has knowledge or experience of licensing requirements.
- The condition of the unlicensed property.

Knowingly permitting over-occupation of an HMO - section 72(2) of the Housing Act 2004

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment

£20,000	£40,000	£16,000	£20,000	£24,000
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Offence-specific mitigating factors:

- There are suitable amenity and space provisions in the HMO.

Offence-specific aggravating factors:

- The level of over-occupation present.

Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 – section 234(3) of the Housing Act 2004

The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on the persons managing HMOs in respect of:

- Providing information to occupiers [Regulation 3]
- Taking safety measures, including fire safety measures [Regulation 4]
- Maintaining the water supply and drainage [Regulation 5]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [Regulation 6]
- Maintaining common parts [Regulation 7]
- Maintaining living accommodation [Regulation 8]
- Providing sufficient waste disposal facilities [Regulation 9]

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 impose duties on the persons managing HMOs as defined by Section 257 Housing Act 2004 in respect of:

- Providing information to occupiers [regulation 4]
- Taking safety measures, including fire safety measures [regulation 5]
- Maintaining the water supply and drainage [regulation 6]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [regulation 7]
- Maintaining common parts [regulation 8]
- Maintaining living accommodation [regulation 9]
- Providing sufficient waste disposal facilities [regulation 10]

Where there are multiple breaches of a single Management Regulation at a single HMO, a single civil penalty will be imposed which will cover all the breaches of that Management Regulation.

Where multiple Management Regulations have been breached at a single HMO, a separate civil penalty will be imposed for each Management Regulation that has been breached.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to provide information to occupier	£3,000	£40,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The nature and extent of offences within the specific regulation
- The landlord has refused to provide any outstanding contact information more than 48 hours after it has been requested by an occupant or on behalf of an occupant.

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to take safety measures	£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain water supply and drainage	£10,000	£40,000	£8,000	£10,000	£12,000

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to supply and maintain gas and electricity	£12,000	£40,000	£9,600	£12,000	£14,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain common parts, fixtures, fittings and appliances	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty of manager to maintain living accommodation	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The number, nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The number, nature and extent of offences within the specific regulation

Name of Management Regulation	Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Duty to provide waste disposal facilities	£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The nature and extent of offences within the specific regulation

Offence-specific aggravating factors:

- The nature and extent of offences within the specific regulation
- The lack of sufficient refuse and/or litter containers either inside and/or outside the property has been previously reported
- The refuse and/or litter that requires disposal includes hazardous materials

Breach of licence conditions – Section 72(3) Housing Act 2004

All granted HMO licences impose a set of conditions on the licence holder. It is important that the licence holder of a licensed property complies with all imposed conditions, but the Council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than others.

The starting levels for each different type of licence condition breach is set out below based on the seriousness of the offence. Where a licence condition could be interpreted to fall within two different potential starting levels, the higher starting level will be chosen.

Where multiple licence conditions have been breached at a single property, a separate civil penalty will be imposed for each licence condition that has been breached.

Failure to comply with licence conditions related to:

- ***Signage or the provision of information for tenants***
- ***Provision of written terms of occupancy for tenants***

- **Procedures regarding complaints**
- **Procedures regarding vetting of incoming tenants**
- **Compliance with deposit protection legislation**
- **The recording and provision of information regarding rent payments**
- **Procedures relating to rent collection**
- **The provision of information regarding occupancy of the property**
- **The provision of information regarding change of managers or licence holder details**
- **The provision of information related to changes in the property**
- **Requirements relating to the sale of the property**
- **Attending training courses**
- **Requirements to hold insurance**
- **The provision of insurance documentation**
- **The provision of or obtaining of suitable references**
- **The provision of keys and alarm codes**
- **Security provisions for access to the property**
- **The provision of suitable means for occupiers to regulate temperature**
- **Carrying out items on a schedule of works not otherwise mentioned in the HMO licence conditions section of this policy, relating to non-compliance with items on a schedule of works**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£40,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- **Procedures and actions regarding Inspections**
- **Procedures regarding Repair issues**
- **Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas**
- **Safeguarding occupiers and minimising disruption during works**
- **The provision of information regarding alterations and construction works**
- **Procedures regarding emergency issues**
- **Waste and waste receptacles, pests, minor repairs, alterations or decoration.**
- **Giving written notice prior to entry**
- **Allowing access for inspections**
- **Minimising risk of water contamination**
- **The compliance of furnishings or furniture with fire safety regulations**
- **Carrying out items on a schedule of works in relation to provision of mechanical extraction or electrical sockets**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£7,000	£40,000	£5,600	£7,000	£8,400

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- **The provision of documentation regarding energy performance certificates, fire detection and prevention, emergency lighting, carbon monoxide detection, fire risk assessments, gas installations, electric installations and appliances**
- **Notification of legal proceedings, contraventions and other relevant information that may affect a fit and proper person status**
- **Procedures and actions regarding ASB**
- **Carrying out items on a schedule of works in relation to the provision of personal hygiene facilities, kitchen facilities or heating**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£12,500	£40,000	£10,000	£12,500	£15,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- **Minimum floor areas**
- **Occupancy rates**
- **Occupancy of rooms or areas that are not to be used as sleeping accommodation**
- **Limits on number of households allowed to occupy the property or part of the property**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£20,000	£40,000	£16,000	£20,000	£24,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

Failure to comply with licence conditions related to:

- **The condition or existence of smoke alarms, carbon monoxide alarms, emergency lighting, gas installations, electric installations and appliances, fire detection or other fire safety features or requirements**
- **The provision and maintenance of safe means of escape, including requirements to keep escape routes and exits free from obstruction**
- **Carrying out items on a schedule of works in relation to fire safety or the provision of a Carbon Monoxide detector**

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors:

- The nature and extent of the licence condition breach

Offence-specific aggravating factors:

- The nature and extent of the licence condition breach

Process for imposing a civil penalty and the right to make written representations

Notice of intent

Before imposing a civil penalty on a landlord, the Council will give the landlord a notice of intent. The notice of intent will set out:

- The amount of the proposed civil penalty
- The reasons for proposing to impose the civil penalty
- Information about their right to make written representations

Right to make written representations

A landlord who is given a notice of intent may make written representations to the Council about the proposal to impose a civil penalty. Any representations must be made within a period of 28 days beginning with the day after the date on which the notice of intent was given.

Decision after the representations period

After the end of the period for representations the Council will:

- Decide whether to impose a civil penalty on the landlord; and
- If it decides to impose a civil penalty, decide the amount of the penalty. This amount can be higher or lower than the amount stated in the notice of intent.

A landlord's rectification of the identified breach or offence during the representations period will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. However, compliance at that stage will usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

Similarly, an admission of liability will rarely, of itself, lead the Council to conclude that the imposition of a civil penalty is inappropriate. An admission of liability will, however, usually be relevant to the assessment of mitigating factors that may reduce the level of any civil penalty imposed.

Final notice

If, following the receipt of written representations and/or the expiry of the time period to make written representations, the Council decides to impose a civil penalty on the landlord, it will give the landlord a final notice imposing that penalty.

The final notice will set out:

- The amount of the civil penalty
- The reasons for imposing the penalty
- Information about how to pay the penalty
- The period for payment of the penalty
- Information about rights of appeal
- The consequences of failure to comply with the notice

Discount for prompt payment

Where a civil penalty imposed by a final notice is paid in full within the period specified in that notice (normally 28 days beginning with the day after the final notice is given), the Council will apply a discount of 15% to the amount of the civil penalty.

The availability of the discount is conditional upon full payment being received within the specified period. The discount period will not be extended or suspended by the bringing of an appeal. A landlord who chooses to appeal may still benefit from the discount by paying the civil penalty in full within the specified period; however, where payment is not made within that period, the discount will not apply.

Illustrative example of the application of the discount

The landlord of an HMO property fails to obtain a licence. They only operate two HMO properties and there are no other relevant factors or aggravating features. The starting point for the offence under the Council's civil penalties matrix is £17,000.

Following the issue of a notice of intent proposing a civil penalty of £17,000, the landlord makes written representations. Having considered those representations, the Council determines to impose a civil penalty of £16,000, as set out in the final notice.

If the landlord pays the civil penalty in full within the payment period specified in the final notice, a 15% prompt payment discount is applied, resulting in a discounted payment of £13,600.

Appeals

A landlord who is given a final notice may appeal to the First-tier Tribunal (Property Chamber) against the decision to impose a civil penalty and/or the amount of the civil penalty. Any appeal must be made within 28 days beginning with the day after the date on which the final notice was given.

Where an appeal is brought, the final notice is suspended until the appeal is finally determined or withdrawn.

An appeal to the First-tier Tribunal is by way of a re-hearing of the Council's decision. In determining an appeal, the Tribunal may have regard to matters of which the Council was unaware at the time the decision to impose the civil penalty was made.

The Tribunal may dismiss an appeal if it is satisfied that the appeal is frivolous, vexatious, an abuse of process, or has no reasonable prospect of success.

The First-tier Tribunal may invite the parties to consider mediation or another form of alternative dispute resolution. The Council will not generally agree to mediation in relation to the level of a civil penalty, as civil penalties are determined by reference to this Policy to promote fair, consistent, and proportionate outcomes. Agreeing reductions outside the Policy framework would risk undermining consistency and the Council's enforcement objectives.

On determination of an appeal, the Tribunal may:

- Confirm the civil penalty
- Vary the amount of the civil penalty (whether by increase or reduction)
- Cancel the civil penalty

Where the Tribunal varies a civil penalty by increasing its amount, it may do so only up to the applicable statutory maximum for the relevant breach or offence (£7,000 or £40,000, as applicable).

A party to the appeal may apply for permission to appeal the decision of the First-tier Tribunal to the Upper Tribunal (Lands Chamber).

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Equality Impact Assessment Form

Name and brief description of proposal/project / policy / service being assessed:

Private Sector Housing Enforcement Policy 2026-31

Information used to analyse the effects of equality.

Assessment Group	Could particularly benefit (X)	May adversely impact (X)	How different groups could be affected: Summary of impacts	Details of actions to reduce negative or increase positive impact (or why action not possible)
People from different ethnic groups	X			Promote better quality private rented sector accommodation
Men, women (including maternity/pregnancy impact), transgender people	X			Promote better quality private rented sector accommodation
Disabled people or carers	X			Promote better quality private rented sector accommodation
People from different faith groups	X			Promote better quality private rented sector accommodation
LGBTQIA + e.g. heterosexual, homosexual, bisexual, transgender.	X			Promote better quality private rented sector accommodation

Older or younger people	X		Promote better quality private rented sector accommodation
Other (marriage/civil partnership. Looked after children/care experienced adults, cohesion/good relations, vulnerable children/adults)	X		Promote better quality private rented sector accommodation

Outcome(s) of Equality Impact Assessment (EIA): *(delete as appropriate)*

No major change need

Arrangements for future monitoring of equality impact of this policy/proposal/project:


Note when assessment will be reviewed (e.g. review assessment in 6 months or annual review).

Review when the policy is next reviewed in 2031

Names of officers who conducted EIA and date

Geoff Carpenter

Approved by: Geoff Carpenter
Date: 17/3/26



(manager signature)



Cabinet

Tuesday, 14 April 2026

Ratcliffe on Soar Local Development Order – Proposed Revisions

Report of the Director – Development and Economic Growth

Cabinet Portfolio Holder for Planning and Housing, Councillor R Upton

1. Purpose of report

- 1.1. In July 2023, the Council adopted a Local Development Order (LDO) for the former Ratcliffe on Soar Power Station to streamline the planning process and to specify the types of uses which would be permitted on the site. The LDO allows for the creation of an industrial park focused on advanced manufacturing (including technology needed to transition to net-zero), green and low-carbon energy generation, and energy storage. The LDO grants planning permission, equivalent to the granting of outline planning consent, for the site's development in accordance with the conditions applied to the Order and the other provisions contained within it. Their use was encouraged by Government for Freeport sites.
- 1.2. Following approval at Cabinet on 11 November 2025, consultation was undertaken between 27 November 2025 and 6 January 2026 on several proposed amendments to the LDO. In summary, the proposed amendments consulted on were:
 - a) to allow data centre uses to be located on the southern part of the site (land south of the A453);
 - b) to allow environmental mitigation works to come forward early with Council agreement; and
 - c) to allow Local Labour Agreements to be agreed on a plot-by-plot basis.
- 1.3. In total, 60 consultation responses were received from statutory bodies, other organisations and members of the public. Following consideration of the responses, it is considered that the proposed amendments, with some limited further amendments, should be incorporated within the LDO. The latest schedule of proposed amendments to the LDO is at Appendix 1.

2. Recommendation

It is RECOMMENDED that Cabinet:

- a) notes the consultation representations received on the proposed amendments to the Ratcliffe on Soar Local Development Order;

- b) approves the proposed amendments to Ratcliffe on Soar Local Development Order in accordance with Schedule 4A(3) of the Town and Country Planning Act 1990 (as amended); and
- c) delegates authority to the Director – Development and Economic Growth or Assistant Director of Planning to incorporate the approved amendments into the Ratcliffe on Soar Local Development Order and publish the amended LDO.

3. Reasons for Recommendation

- 3.1. The proposed Local Development Order amendments are to respond to changing economic and national policy circumstances regarding data centres; to allow greater flexibility to bring about appropriate environmental mitigation works; and to address limitations within the LDO condition relating to Local Labour Agreements.
- 3.2. The key issue with the LDO at present is that, whilst it identifies data centres as an appropriate use on site, by restricting their delivery to the northern part of the site only, it is not possible to accommodate a major data centre on any part of the site in the short term. This is because the northern part retains the power station buildings, which first need to be demolished, and British Gypsum is seeking to bring forward an open cast gypsum mine on the north east part of the site, having now secured planning consent. By comparison, the southern site is less constrained and development on this land can be brought forward more quickly. An amendment to the LDO to allow data centres on the southern part of the site would therefore enable both the site overall and the LDO's planning framework to respond to major data centre opportunities and initiatives arising now or in the near future.
- 3.3. The reason for commencing the LDO amendment ahead of the three year review and to specifically include data centres on the land to the south of the A453 is due to the East Midlands Combined County Authority (EMCCA) submitting a bid for an AI Growth Zone to Government.

4. Supporting Information

Background

- 4.1. In July 2023, the Council adopted a Local Development Order (LDO) for the former Ratcliffe on Soar Power Station to streamline the planning process and to specify the types of uses which would be permitted on the site. The LDO allows for the creation of an industrial park focused on advanced manufacturing (including technology needed to transition to net-zero), green and low-carbon energy generation, and energy storage. The LDO grants planning permission for the site's development, equivalent to the granting of outline planning consent, in accordance with the conditions applied to the Order and the other provisions contained within it.
- 4.2. At the time the LDO was prepared and then approved, Government had encouraged the use of LDOs on Freeports sites where possible in order to help

accelerate and provide greater planning certainty for defined types of development in Freeport locations. It was the Government's view that such measures would empower local authorities to take a strategic approach to Freeports.

- 4.3. In order to secure approval for detailed proposals in accordance with the LDO, there is a requirement to submit a 'Certificate of Compliance' application, equivalent to the granting of reserve matters planning consent, for the Council's approval.
- 4.4. Prior to determination, Ward Councillors and the Chair of Planning Committee must be consulted on Certificate of Compliance applications and given the opportunity to comment. Where there is no difference of opinion on material planning considerations between these Councillors and the Planning Officer handling the application, officers have delegated authority to determine the Certificate. However, where a difference of opinion does arise, the Planning Officer must work with the Councillor(s) and the applicant to seek to resolve any material objections. If the disagreement cannot be resolved, the matter will be referred to the Cabinet Portfolio Holder for Planning and the Director for Development and Economic Growth for consideration. The Director must then work with the Councillor(s) to try to reach a consensus. If a consensus still cannot be achieved, the Ward Councillors and/or Chair of Planning Committee may refer the Certificate to Planning Committee for determination. Under delegated powers, the Director for Development and Economic Growth also has authority to determine other approvals or consents required under the LDO, including the approval of Section 106 or other legal agreements, provided the proposed agreement complies with the terms of the LDO, any documents approved under it, and the Council's Supplementary Planning Guidance.
- 4.5. It should be noted that the existence of the LDO does not prevent developers from submitting planning applications, should they wish to attempt to secure consent for development proposals that do not comply with the LDO.
- 4.6. The site's owner, Uniper, has requested that the Council considers making a limited number of amendments to the LDO and that these are dealt with separately and ahead of the formal three year LDO review process that is due to take place in mid-2026. The proposed amendments are in respect of three matters:
 - a) to allow data centre uses to be located on the southern part of the site (land south of the A453);
 - b) to allow environmental mitigation works to come forward early with Council agreement; and
 - c) to allow Local Labour Agreements to be agreed on a plot-by-plot basis.
- 4.7. It was agreed by Cabinet on 11 November 2025 that these proposed amendments should be published for consultation. The documents that were consulted on are at Appendix 3, 4 and 5.

Consultation on proposed LDO amendments

- 4.8. The consultation was undertaken between 27 November 2025 and 6 January 2026. In total, 59 consultation responses were received from members of the public, public bodies and other organisations. At Appendix 2 is a summary of all the responses received. The main issues raised by consultees and a response to those issues is as follows.

Main issues raised: proposed amendment to allow data centres on the southern site

Effect on LDO vision, Green Belt and very special circumstances and net-zero justification

- 4.9. Some consultees are concerned that further scope for data centre development on the site would dilute the overall vision, potentially diminishing the very special circumstances for development in the Green Belt, and water down the net-zero justification for development on the southern part of the site.
- 4.10. In response to this, data centres have always been part of the vision for the site and are a permitted use under the LDO. The proposal to allow data centre development to occur on the southern part of the site, as well as the northern area, does not change the vision for the development, nor the strategic alignment with wider regional policy. Over the last two years, the importance of data centres to the national economic future has become more apparent. The Government has identified data centres as Critical National Infrastructure and is currently seeking to establish a series of AI Growth Zones, and it is noted that EMCCA has led an application for an AI Growth Zone centred on the Ratcliffe site (see Appendix 6 (exempt item) for further details). These circumstances are considered to support, rather than undermine, the very special circumstances argument for development.
- 4.11. The original restriction on uses on the southern part of the site was made in response to stakeholder comments that the proposed development on this part of the site should be of sufficiently high calibre to mitigate for the impact on the existing landscape and the more openness of the Green Belt in this location. It is expected that data centres would typically be relatively low buildings, which can be built in a “campus” style arrangement, which are likely to sit more sympathetically within the landscape setting of the southern site, as compared to, for example, a gigafactory or energy facility.
- 4.12. In respect of the very special circumstances demonstrated to justify the LDO and proposed development in the Green Belt, these have been further reviewed. It is considered that making data centres an acceptable use on the southern area of the site area, in addition to energy generation and advanced manufacturing related development, would not materially alter the conclusions already reached in respect of very special circumstances. The very special circumstances for such development within the Green Belt has already been adequately justified and this justification can reasonably be considered to have been bolstered by the Government’s identification of data centres as Critical National Infrastructure.

- 4.13. In response to the point that it weakens the net-zero justification for development, data centres are fully electric buildings which enables them to be powered by low-carbon and zero-carbon electricity.

Effect on development delivery across the whole site

- 4.14. Concern has been raised that development on the southern part of the site would inhibit development on the northern area. In response to this, the LDO is intended to support the development on all parts of the sites, with the land to the north and south of the A453 benefitting from available land, access to strategic transport networks, utilities and power connectivity and other characteristics which make them suitable for development. There is no reason in principle why development on the southern area should inhibit development on the northern area.
- 4.15. While the southern part of the site is currently available, and development could come forward relatively quickly, the northern part of the site is generally not available in the short to medium term. On this part of the site, Uniper is currently completing decommissioning works and it has advised that it expects to shortly appoint a contractor to demolish the power station over the coming years. British Gypsum is also seeking to implement its mining rights to quarry gypsum across the north eastern part of the northern area, having already secured planning consent. Both activities will leave levelled development plots where the development could come forward in accordance with the LDO and submitted Phasing Plan. There is no clear reason why developing a data centre (or centres) on the southern part of the site would affect the deliverability of development on the northern part any differently from, for example, an energy facility being developed on the southern part of the site; a use that is already permitted on the southern area.

Effect on power demand

- 4.16. It has been questioned whether there would be sufficient power remaining for other uses on the site arising from the power demands from data centres. The existing electrical infrastructure on the Ratcliffe site makes this site suitable for uses with high power demands. Uniper has advised that it has applied to National Grid to secure a new 720 mega-watt (MW) connection to support data centre developments consistent with Government's AI Growth Zone ambition. Uniper also has other applications in progress with National Grid to support additional industrial and energy uses which can come forward under the LDO.
- 4.17. Further details on power demand would need to be made available when detailed development proposals come forward through the LDO's Certificate of Compliance process for detailed development. At that point, the Council would be able to review this issue based on up to date and accurate information.

Water demands from data centres

- 4.18. In response to the concerns arising from the water demands of data centres, there are no obvious reasons why data centre development in this location

would have materially different water requirements to a location elsewhere. The Government is keen for data centres to be developed within the UK and, therefore, wherever they are located their use of water will have to be appropriately managed. The site currently has an abstraction licence to take a large volume of water from the River Trent. This water was used for cooling of the Power Station and was partly evaporated in the cooling towers. The abstraction of water is regulated through the abstraction licencing process with the Environment Agency. There should be no impact on the potable water supply as this is managed by Severn Trent Water. The use of water for data centres would be controlled through other processes, and it would not be appropriate to control the use through the LDO.

Heat emissions from data centres

- 4.19. In response to concerns raised regarding heat emissions from data centres, it is reasonable to expect that these will be significantly lower than those from the former power station; therefore, any impacts are expected to be much lower. The use of water cooling further reduces the emissions of heat to air from data centres.
- 4.20. Condition 14 of the LDO requires an Operational Environmental Management Plan to be submitted with Certificate of Compliance applications. This plan will need to identify the measures employed to manage any emissions to prevent pollution and contamination. This provides the control for the Council to review individual proposals. Prior to operation, developments will also need to obtain relevant environmental permits from the Environment Agency. Developers will need to demonstrate that best available technologies are being employed to minimise impacts on the environment. The LDO also identifies that development will need to manage the use of energy on site by making use of waste heat where available.

Potentially capping the level of data centre development

- 4.21. Some consultees have suggested that, if data centres are allowed on site, then the potential extent of data centre development on the whole site should be capped. There is currently no cap on data centre development within the LDO.
- 4.22. In response to this, Uniper has made the point that the size of any data centre development on site is likely to be limited by the available power supply. National Grid will control the capacity of the power supply made available for any data centre and this will be a decision made outside of the planning system. Moreover, currently no Certificate of Compliance applications have been made for detailed development proposals on the site, and the challenge is to attract investors and start the redevelopment process. The Council can always decide to amend the LDO at a point in the future and impose a data centre development cap if there is evidence that other uses are being prevented from coming forward or that there are other harms to the environment or to the LDO vision.

Maximum height limits

- 4.23. Some consultees have suggested that there should be a reduction in the maximum height parameter for data centres on the southern part of the site in order to reduce impact on the landscape. The LDO's Parameter Plans restrict the height of buildings on the southern site generally to 30 metres. This was determined to be an appropriate limit which would allow development to come forward in a way that avoided any undue adverse impacts on the appearance of the area. It is important to note that the proposed inclusion of data centres on the southern site is in addition to already approved energy and advanced manufacturing uses, not instead of them. It would remain possible for these other uses to come forward. There is therefore no clear justification for altering the height parameters overall. It is expected that data centres would typically be lower than this height limit and therefore fit within the LDO parameters. They may also sit more sympathetically with the surrounding landscape than other uses approved on the southern site. The Council will have the opportunity to review detailed design proposals and engage with the developer through the Certificate of Compliance process.

Transport impacts from data centres

- 4.24. It has been identified by some respondents that data centres should generate lower levels of traffic compared to the other uses permitted on the southern part of the site. This was welcomed by Nottinghamshire County Council as the local highway authority, who also suggested that a Section 106 financial contribution from data centre development could be directed towards highway improvements. Condition 6 of the LDO establishes trip caps which link the build-out of the Ratcliffe site to the delivery of highway improvements, predominately at M1 Junction 24. It is more likely that data centre development could come forward within the first trip cap established by the LDO, when compared to some other forms of potential development that would generate more traffic movements. This is important as it would enable a significant level of development to come forward early with relatively limited traffic impact on the local areas, which is a concern for some residents, and could generate a Section 106 contribution to help fund highway improvements. A Section 106 contribution mechanism is already included in the LDO as an option in the Certificate of Compliance process.

Potential changes to environmental impacts

- 4.25. Some respondents question whether data centre development on the southern part of the site would give rise to environmental impacts beyond those already assessed by the Environmental Impact Assessment (EIA) that supports the LDO. A data centre on the southern part of the site is considered likely to fit within the maximum parameters considered by the EIA and therefore no additional environmental assessment is required at this time. As detailed proposals come forward, the Council can identify, review and address any particular environmental issues or concerns through the Certificate of Compliance process.

Impact on East Midlands Airport

- 4.26. MAG (East Midlands Airport) Safeguarding raised a concern about the potential for radio frequency/electromagnetic emissions and resulting effects on the airport. The potential for increased bird hazard due to warm flat roofs was also raised as a concern. In response, Condition 12 of the LDO was imposed following consultation with the relevant airport safeguarding authorities and requires an Aerodrome Safeguarding Plan and a Bird Hazard Management Plan to be submitted to the Council for approval. The Council is also able to consult with MAG (East Midlands Airport) Safeguarding at the Certificate of Compliance stage to seek comments on any detailed proposal. Therefore, mechanisms are already in place within the LDO to address concerns regarding impact of development on the airport.

Main issues raised: proposed amendment to allow environmental mitigation works to come forward early

- 4.27. The proposed LDO amendment to allow environmental mitigation works to come forward early with Council agreement ahead of the delivery of Biodiversity Net Gain (BNG) units is questioned by some consultees. There is concern that it would unacceptably dilute the hierarchy for securing BNG and environmental improvements. Instead, BNG provision on site should be prioritised ahead of financial contributions for off-site environmental improvements.
- 4.28. In response to these points, the proposed amendment does not change the BNG target for the site, nor does it change the LDO's ambition to provide significant BNG on-site. Rather, the proposed amendment provides greater discretion to the Council to allow environmental mitigation proposals to come forward earlier and potentially in advance of development. In all cases, as currently set out in the LDO, the decision on whether to accept environmental mitigation proposals rests with the Council and not with the developer. The proposed amendment does not place any obligation on the Council to approve a proposal.
- 4.29. The option of allowing 'other environmental mitigation proposals' in lieu of BNG units was included in the LDO in response to a request by the Environment Agency to facilitate funding for a proposed Fish Pass on the River Trent. Such a proposal would have a significant environmental benefit. Similarly, there was a previous opportunity to financially support a local community woodland project. Such projects often have a limited 'window of opportunity' during which they can be realised, when different stakeholders are able to come together and support the scheme. However, the current wording of the LDO restricts when such environmental projects could come forward and this 'window' can therefore be missed. The proposed amendment would give the Council greater flexibility to allow this type of mitigation to come forward, but only if the Council is convinced of the merits of the scheme.
- 4.30. There was also a comment made that it would be desirable to increase the proportion of landscaping on the southern site, and that the proposed LDO amendment regarding the BNG hierarchy would undermine this aim. In response, the Parameter Plans included in the LDO identify the maximum

extent of the development plot on the southern part of the site and the area outside of the plot is identified in an approved parameter plan as strategic landscaping. This would not change as a result of the proposed amendment. However, if detailed development proposals do not fully occupy the development plot, the LDO allows the remaining area to be used for landscaping. Principles SL1 to SL8 of the LDO's Design Guide provide further detail on how landscaping should be incorporated within development proposals. Such matters would need to be further discussed between the Council and the developer at the Certificate of Compliance stage.

Main issue raised: proposed amendment to allow Local Labour Agreements to be agreed on a plot-by-plot basis

- 4.31. East Leake Parish Council has raised concern that the proposed wording of the Local Labour Agreement (LLA) condition within the LDO makes it applicable only to development plots and, instead, it should also apply to works on areas of the site outside development plots.
- 4.32. In response to this, the LLA condition encourages the use of local contractors to undertake construction work on the development permitted by the LDO and this would not change. The condition is not intended to apply to ongoing site management or maintenance works. As currently worded in the LDO, the condition could have been interpreted as requiring a single LLA covering the entire LDO site. This was not the intention as it would be difficult to achieve in practice. Development will come forward in separate phases and on different plots, under different timescales and with different contractors involved. It is much more practical to agree measures to encourage the use of local contractors on a development-by-development basis, as this is the point at which the types of skill and the number of contractors are known and can be matched to local resources. The proposal would simply introduce minor wording changes to make the original intent of the condition clear.
- 4.33. The majority of the work will be associated with the construction of the new buildings within the defined development plots. However, it is accepted that other works (e.g. road construction) will take place outside of the development plots and the LLA clause could be further amended to also encourage developers to employ local contractors to undertake some of these works (see the further proposed amendment to wording below at paragraph 4.63).

Proposed amendment to allow data centres and the southern site area – conclusions

- 4.34. Following the review of the consultation responses, and with reference to the information published as part of the consultation (the documents at Appendix 3, 4 and 5), the following conclusions have been reached concerning the proposed amendment to allow data centres on the southern site area.
- 4.35. The documents issued for consultation set out the background for the proposed amendment to permit data centre development on the southern site at Ratcliffe. They also highlight the potential benefits that this could bring both to Rushcliffe Borough and the wider region.

- 4.36. Since approval of the LDO in 2023, the national importance attached to data centre development has markedly increased, and government is seeking to secure the development of many more data centres in the UK. Government has confirmed data centres as Critical National Infrastructure and is identifying AI Growth Zones to help accelerate delivery.
- 4.37. In respect of national planning policy, changes to the National Planning Policy Framework (NPPF), which post-dates adoption of the LDO, specifically highlight and emphasise the importance of data centres for the national economy.
- 4.38. Specifically, NPPF paragraph 86 states: *“Planning Policies should: ...c) pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics”*.
- 4.39. Further to this, NPPF paragraph 87 states that: *“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for: ...a) clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections)”*.
- 4.40. As already referred to, EMCCA is promoting an East Midlands AI Growth Zone and has proposed that AI related industries and investment in digital skills are focussed on the ‘Trent Arc’ – an area which includes the Ratcliffe site. The Department for Science, Innovation and Technology has recently confirmed that this proposal, including Ratcliffe site, is under active consideration as a high potential AI Growth Zone opportunity. While this does not guarantee final AI Growth Zone status, it is a significant step forward at this stage.
- 4.41. With power availability, good access, and the proximity of a skilled workforce, the Ratcliffe site is considered an attractive option for data centre development.
- 4.42. It is understood that the granting of AI Growth Zone status would allow Government to accelerate work by National Grid to upgrade the electrical supply to the site. This would help improve power availability not only for data centres, but also for the other industrial and energy uses proposed by the Ratcliffe LDO.
- 4.43. Uniper is progressing work to demolish the power station and cooling towers on the northern site at Ratcliffe. Open-cast gypsum quarrying activities are also expected to begin relatively shortly on the north eastern part of this site, which would be ahead of LDO related development then taking place. This means that it may be some years before a sizable level of development can come forward on the land to the north of the A453. The southern site area is less constrained, and development should be able to come forward here relatively quickly.

- 4.44. The Freeport designation of the site is designed to encourage development and brings significant benefits to the Local Authority through business rates retention. Freeport status is time limited and the Council risks losing these benefits if development does not occur quickly enough. It is increasingly unlikely that development on the northern part of the site will meet these timescales.
- 4.45. Data centres can deliver significant economic benefits to their local area. In addition to the direct benefit of well-paid jobs, they can support university research and the growth of local technology businesses and start-ups. Business rates paid by a data centre to the Council are likely to be significant in scale. Uniper has estimated from £2m a year for a smaller data centre, up to £21m per year for the largest data centres. In addition, a significant Section 106 contribution may be able to be secured to fund supporting infrastructure.
- 4.46. Data centre development could potentially comprise a series of relatively low-rise buildings which, when compared to the building requirements for other potential uses on site, should be able to be more effectively screened with landscaping. Data centres produce limited noise or site emissions. Compared to some potential energy and advanced manufacturing uses, data centre development is more likely to be more compatible with, and sympathetic to, the existing landscape of the southern site area.
- 4.47. The traffic generated by a data centre is expected to be low, when compared to potential other uses on site, and is more likely to fit within the trip caps set out in the LDO. This should allow a data centre to be delivered sooner. Other types of development with higher traffic flows may have to wait a number of years until major highway improvements (including to M1 Junction 24) have been agreed with National Highways, other developers, and a variety of public sector bodies.
- 4.48. The proposed LDO amendment to allow data centre development on the southern site responds to the latest government priorities for growth of digital infrastructure, and the availability of the site to respond to this. It would encourage development to come forward more quickly, which should help unlock the wider Ratcliffe site. Business rates and section 106 contributions could be used to help to address the highway constraints which will support further delivery of the LDO vision and support wider Local Plan objectives.
- 4.49. Uniper has advised that the proposed amendment would support the company's application to National Grid to increase power supply to the site, which, in turn, will be important to support all types of development proposed by the LDO. It is understood that National Grid will give preference to sites which have planning consent and where there is a clear timescale for delivery. Under National Grid's processes, data centre uses further increase the priority of a site. Amending the LDO to allow data centres on the southern site area would therefore potentially help accelerate delivery of additional power capacity to the Ratcliffe site, which would hopefully create additional momentum to realise wider development across the site.
- 4.50. It is considered that concerns regarding the height and environmental impact of data centre development can reasonably be addressed through the

Certificate of Compliance processes already established by the LDO for determining the suitability of detailed proposals. It is important to reiterate that data centres are already permitted within the LDO and that these amendments do not seek to alter the existing development parameters set out in the LDO. At Certificate of Compliance stage, any data centre developer would be known, and detailed design proposals would be available to review. The Council retains decision-making powers in the Certificate of Compliance process, and the Council can therefore work to ensure that the proposals align with the LDO ambitions.

- 4.51. Overall, it is considered that the proposed amendment to allow data centres to be located in principle on the southern part of the site should be included within the LDO. The main issues raised by consultees in respect of this proposed amendment have been addressed above at paragraphs 4.9 to 4.30 and none are considered sufficient to justify a different conclusion.
- 4.52. The amendments to the LDO that are proposed for approval are at Appendix 1. The data centre related amendments remain unchanged from those which were published for consultation. In summary, these comprise:
- text changes to Section 2.4 to add an additional characteristic for acceptable uses to follow the wording in paragraph 87 of the NPPF and support the government ambition for developing AI and data centre growth;
 - the inclusion of additional text within the LDO's statement of reasons (Sections 7.3 and 7.4) to support the changes made, including to highlight government initiatives and policy changes to support and bring about data centre development;
 - a text change to the key of the Permitted Uses Parameter Plan;
 - equivalent changes to the Permitted Uses Plan and table in the Design Guide; and
 - equivalent text changes within Design Principles LU3 and LU6.

Proposed amendment to allow environmental mitigation works to come forward early – conclusions

- 4.53. Following the review of the consultation responses, and also with reference to the information published as part of the consultation (the documents at Appendix 3, 4 and 5), the following conclusions have been reached concerning the proposed amendment to allow environmental mitigation works to come forward early.
- 4.54. The proposed amendment does not change the BNG target for the scheme, rather it gives the Council greater discretion on how environmental improvements come forward, at its discretion in terms of approval.
- 4.55. The fact that the northern part of the site will be affected by power station demolition works and open-cast gypsum mining over the coming years, means that development proposals may take more time to come forward. This amendment would allow sensible environmental projects to be funded or delivered before, and independently from, development proposals on the site.

- 4.56. It is highlighted above that the Environment Agency was supportive of the Fish Pass proposal. The adoption of the proposed amendment would help support the early delivery of this environmental improvement, if deemed appropriate mitigation. Similarly, there was previously an opportunity for the Ratcliffe site to help enhance a local community woodland project, but this did not happen in the end and this was partly constrained by the current LDO wording.
- 4.57. The decision on whether to accept such proposals rests solely with the Council. The wording of the LDO (final paragraph, Section 3.3 of the LDO) makes it clear that the Council must agree to any “other environmental mitigation measures” and it is the Council who will decide whether any such measures meet the biodiversity net gain objectives of the LDO.
- 4.58. The proposed amendment does not change the powers of the Council to approve proposals. Rather it will give the Council greater flexibility to bring forward environmental benefits that can be enabled by the Ratcliffe redevelopment. On this basis, it is considered that the proposed amendment should be included within the LDO. The issues raised by consultees in respect of this proposed amendment have been addressed above and none are considered sufficient to justify a different conclusion.
- 4.59. The amendments to the LDO that are proposed for approval are at Appendix 1. They remain unchanged in respect of this matter from those published for consultation.

Proposed amendment to allow Local Labour Agreements to be agreed on a plot-by-plot basis – conclusions

- 4.60. Following the review of the consultation responses, and also with reference to the information published as part of the consultation (the documents at Appendix 3, 4 and 5), the following conclusions have been reached concerning the proposed amendment to allow Local Labour Agreements to be agreed on a plot-by-plot basis.
- 4.61. The Ratcliffe site will be built out in phases through several separate projects. It is therefore sensible that Local Labour Agreements (as required by LDO Condition 9) should be agreed on a project-by-project basis.
- 4.62. As highlighted by a consultee, it is recognised that the proposed amendment wording referred to a “development plot” and therefore might not capture construction works undertaken on other areas of the site. It is therefore proposed that the wording be amended further so that the condition is applicable to all works on any part of the site which are approved through the Certificate of Compliance process.
- 4.63. The following revised wording of LDO condition 9 is therefore proposed:

“The Each development hereby permitted by a Certificate of Compliance must not be commenced on any part of the Site until a Local Labour Agreement (LLA), for the Site’s construction phase(s), of that development, has been

submitted to and approved in writing by the Council. The LLA must show how opportunities for people living in the locality, including employment, apprenticeships, and training, will be provided throughout the construction phase(s) of the development Site. All development of specific plots or development areas within the Site must be carried out in accordance with the approved LLA for that plot or area.”

- 4.64. On this basis, it is considered that this latest proposed amendment should be included within the LDO. The proposed wording for the amendment is also set out in Appendix 1.

Local Development Framework Group

- 4.65. The proposed LDO amendments and the outcomes of the consultation on these amendments were considered by the Local Development Framework (LDF) Group on 16 March 2026. Whilst there was some support for the LDO amendment, the majority supported an alternative recommendation, set out below:

- a) remains of the view that the decision of and/or endorsement by Full Council is the most appropriate decision making route;
- b) recommends that Cabinet consider the most appropriate mechanism by which amendments are revertible to Full Council; and
- c) recommends any decision is only taken when it is demonstrated that the development enabled by the amended order will deliver tangible benefits to local communities.

- 4.66. The LDF Group is an advisory group of 15 cross party Councillors and their comments and recommendations will be considered by Cabinet.

- 4.67. At an earlier LDF Group Meeting on 12 November 2025, the majority of the Group asked for a decision on the proposed LDO amendments to be taken by Council rather than Cabinet. Having reviewed the constitution and sought a legal opinion, the decision to amend the LDO is an Executive (Cabinet) decision.

- 4.68. In respect of the LDF Group’s recommendations regarding decision-making route, amendments to an existing LDO is an executive function and therefore one to be taken by Cabinet, not Council. This is explained more fully below within section 7.2.

- 4.69. In relation to LDF Group’s recommendation that a decision should only be taken once it is demonstrated that the development enabled by the amended LDO will deliver tangible benefits to local communities, significant benefits will arise through job creation and inward investment to the region. Discussions have opened with Uniper on how the development might support wider community benefits for projects that are not necessarily linked to measures required to directly mitigate the effects of development. However, any financial support for such projects would, by law, need to sit outside the planning process and would

be separate from the approval of detailed proposals brought forward under the LDO.

5. Alternative options considered and reasons for rejection

The Council could choose to not consider making amendments to the LDO at this stage. However, it is considered that amendments should be progressed in order to respond to important and relevant changing circumstances and thereby enable the LDO to continue to provide the best possible planning framework to support and help bring about the redevelopment and regeneration of the former Ratcliffe on Soar Power Station site.

6. Risks and Uncertainties

There is a risk that the Ratcliffe on Soar Power Station site remains undeveloped following its decommissioning. The LDO was adopted in 2023 to help mitigate this risk and, by allowing it to evolve and change over time where necessary and appropriate, this should help further in managing this risk.

7. Implications

7.1. Financial Implications

7.1.1 There are limited financial costs associated with the work required to amend the LDO. Most of the supporting work prepared to date has been undertaken by consultants Arup who have been appointed and paid for by the site owners, Uniper. There will be Council officer time required to support the process of making LDO amendments, which can currently be contained within existing resources. The Council is, however, negotiating with Uniper for it to reasonably cover any associated costs of the Council.

7.1.2 Any costs that will need to be borne by the Council should, however, be considered and balanced against the longer-term benefits of facilitating significant and sustainable economic growth.

7.2. Legal Implications

7.2.1 Local Planning Authorities (LPA) can grant planning permission for development specified in an LDO. The legislative procedures that must be followed in order to bring forward and adopt an LDO (or in this case make amendments to an existing LDO) are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and Articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Schedule 4A(3) of the Town and Country Planning Act 1990 specifies that an LDO (or in this case amendments to an existing LDO) is of no effect unless it is adopted by resolution of the LPA. The legislation does not distinguish between original drafting and revising, and therefore the same procedures apply (e.g. a requirement for a minimum 28 days

consultation on draft proposals with prescribed bodies and other bodies, as per a conventional planning application).

7.2.2 Approval of a LDO, and amendments to an existing LDO, is an executive function and therefore one to be taken by Cabinet, not Council. This has been confirmed by external legal advice.

7.2.3 The allocation of functions between the executive (the Cabinet) and the Council is determined by reference to (1) the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (“the 2000 Regs”); and (2) subject to that, the Council’s Constitution.

7.2.4 The effect of the 2000 Regulations is to make all functions of a local authority executive functions except where express provision is made to the contrary. This is known as “the General Rule”.

7.2.5 There is no reference to LDOs in the 2000 Regs and thus nothing to exclude the General Rule. The effect of this is that as there is nothing in the 2000 Regs which expressly excludes the adoption of an LDO from being an executive function, it is by default therefore an executive function.

7.2.6 The LDO is not defined in the Constitution as a function of Full Council unless it is so “reserved” by law. As it is not reserved by law to Council, the General Rule applies, making it an executive function, which rests with Cabinet.

7.2.7 Officers sought a Legal Opinion from Leading Counsel on this matter, who reached the conclusion outlined above i.e. that adoption of the LDO is an executive function – it is not therefore delegated to Planning Committee nor reserved to Full Council.

7.3. Equalities Implications

A key reason for preparing an LDO was to deliver new development to help achieve the aims of the East Midlands Freeport. Inclusive growth is a key theme for the Freeport and the Government’s intentions for its Freeport Policy, ensuring that, as far as possible, the Freeport brings benefits for all; supporting the national economy and creating jobs, with a focus on both the quality and the accessibility of those jobs.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no crime and disorder implications associated with this report.

7.5. Biodiversity Net Gain

See relevant sections within the report relating to BNG provision.

8. Link to Corporate Priorities

The Environment	The vision for the Ratcliffe site is to move towards becoming a zero-carbon technology and energy hub for the East Midlands. The emerging plans for the site have the potential to create jobs based around modern industrial and manufacturing uses, with sustainable onsite energy generation providing a local source of low carbon heat and power.
Quality of Life	The development of the former Ratcliffe on Soar Power Station site has the potential to benefit local residents' quality of life through the provision of new jobs and improved infrastructure, including blue and green infrastructure.
Efficient Services	There are no implications.
Sustainable Growth	The development of the Ratcliffe site through an LDO could attract a significant number of new businesses and jobs. The Order sets appropriate parameters and conditions to ensure that development is acceptable in planning and sustainability terms.

9. Recommendation

It is RECOMMENDED that Cabinet:

- a) notes the consultation representations received on the proposed amendments to the Ratcliffe on Soar Local Development Order;
- b) approves the proposed amendments to Ratcliffe on Soar Local Development Order in accordance with Schedule 4A(3) of the Town and Country Planning Act 1990 (as amended); and
- c) delegates authority to the Director – Development and Economic Growth or Assistant Director of Planning to incorporate the approved amendments into the Ratcliffe on Soar Local Development Order and publish the amended LDO.

For more information contact:	Richard Mapletoft Planning Policy Manager 0115 914 8457 rmapletoft@rushcliffe.gov.uk
Background papers available for Inspection:	The Ratcliffe on Soar Local Development Order and associated documents are available at: https://planningon-line.rushcliffe.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=REUKMZNL0CB00
List of appendices:	Appendix 1: Ratcliffe on Soar LDO – Schedule of Proposed Amendments (updated version)

	<p>Appendix 2: Summary of consultation comments on proposed LDO amendments</p> <p>Appendix 3: Ratcliffe on Soar Local Development Order Proposed Amendments (consultation version)</p> <p>Appendix 4: Ratcliffe on Soar LDO – Schedule of Proposed Amendments (consultation version)</p> <p>Appendix 5: Data Centre Opportunity at Ratcliffe-on-Soar Briefing Paper (consultation version)</p> <p>Appendix 6: East Midlands Combined County Authority AI Growth Zone Bid – Exempt Item</p>
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**Appendix 1: Ratcliffe on Soar LDO – Schedule of Proposed
Amendments (updated version)**

Ratcliffe-on-Soar Local Development Order

Schedule of Proposed Amendments (Updated)

March 2026

Preamble

The latest proposed revisions to the Ratcliffe on Soar Local Development Order (LDO) are described or illustrated in the various tables below. New text proposed to be added to the LDO is highlighted in red and text proposed to be deleted is struck-through (e.g. ~~revision~~).

It may help to further understand how the proposed revision would amend the LDO to cross refer to the following existing LDO documents:

- Ratcliffe on Soar Local Development Order and Statement of Reasons, July 2023
- Ratcliffe on Soar Local Development Order: Design Guide, July 2023
- Ratcliffe on Soar Local Development Order: Parameters Plans, July 2023

These three documents are available to view on the Borough Council's website at <https://planningon-line.rushcliffe.gov.uk/online-applications/> and search using reference number 25/02015/LDO.

Ratcliffe-on-Soar Local Development Order

Schedule of Proposed Amendments (Updated)

March 2026

The proposed amendments to the adopted Ratcliffe on Soar Local Development Order (LDO) documents are set out below. These amendments will enable the following:

- 1) Allow data centre uses to be located on the Southern Site (Plot I)
- 2) Allow environmental mitigation works to come forward early with Council agreement
- 3) Allow Local Labour Agreements to be agreed on a plot-by-plot basis

1. Amendments to allow Data Centres on Southern Site

1.1 Changes to Local Development Order and Statement of Reasons

Section/paragraph	Current Text	Proposed amendment
Section 2.4, Development Permitted by LDO, third paragraph (page 8)	The Design Guide identifies design principles and a set of characteristics that must be demonstrated by all prospective occupiers of the Site in order for their Application for a Certificate of Compliance to be accepted. Importantly, this includes a description of the criteria needed to accord with the Vision for the Site, as set out in Design Principle LU 6 and requires potential development on Plots A to G (except Plot F which has been reserved for a car park) to meet at least one of the following characteristics, and development on Plot I to meet either 1) or 2) (examples of acceptable uses are also set out in the Design Guide):`	Change to: <i>The Design Guide identifies design principles and a set of characteristics that must be demonstrated by all prospective occupiers of the Site in order for their Application for a Certificate of Compliance to be accepted. Importantly, this includes a description of the criteria needed to accord with the Vision for the Site, as set out in Design Principle LU 6 and requires potential development on Plots A to G (except Plot F which has been reserved for a car park) to meet at least one of the following characteristics, and development on Plot I to meet either 1), or 2) or 8) (examples of acceptable uses are also set out in the Design Guide):</i>
Section 2.4, numbered list of characteristics (page 8)		Add a development characteristic to list: <i>8) Businesses that store, process and distribute data and applications electronically</i>

Section/paragraph	Current Text	Proposed amendment
Section 7.3, Strategic Context (page 37)		<p data-bbox="927 322 1382 351"><i>Add the following at end of section</i></p> <p data-bbox="927 376 1418 441"><i>Government support for growth of AI and data centre investment</i></p> <p data-bbox="927 465 1426 763"><i>There has been a significant and continuing, world-wide, growth in demand for data centres, driven by the growth of Artificial Intelligence (AI) and Machine Learning (ML). This is a fast moving, globally competitive market, which offers major benefits for countries who can capture these multi-billion pound investments.</i></p> <p data-bbox="927 788 1414 1122"><i>The UK Government is actively working to ensure that the UK can attract this investment and benefit from the growth of AI and has published its AI Opportunities Action Plan¹ which seeks to establish Artificial Intelligence Growth Zones (AI Growth Zones) to help accelerate the delivery of data centres and AI infrastructure.</i></p> <p data-bbox="927 1146 1422 1444"><i>The Ratcliffe Site is very well placed to deliver on these aims and ambitions, with unique characteristics which make it highly attractive to data centre developers and investors – availability of power and water, connectivity, land availability at the required scale and the proximity to a skilled workforce.</i></p> <p data-bbox="927 1469 1362 1518"><small>¹https://www.gov.uk/government/news/prime-minister-sets-out-blueprint-to-turbocharge-ai</small></p>
Section 7.4, Planning Policy Context (page 37)		<p data-bbox="927 1550 1402 1641">At end of the section on ‘National Planning Policy Framework’ add the following paragraphs:</p> <p data-bbox="927 1666 1422 1928"><i>To support the delivery of data centres and AI technology, Government introduced changes to the National Planning Policy Framework (NPPF) published in December 2024, to place significantly greater emphasis on promotion of data driven high technology and</i></p>

Section/paragraph	Current Text	Proposed amendment
		<p><i>creative industries. These changes include:</i></p> <p><i>Section 6, paragraph 86 of the NPPF, Building a strong, competitive economy, which states that:</i></p> <p><i>Planning Policies should:</i></p> <p><i>c) pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics;</i></p> <p><i>and paragraph 87 states that</i></p> <p><i>Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:</i></p> <p><i>a) clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections);</i></p> <p><i>In addition, from September 2024, the government has categorised Data Centres as Critical National Infrastructure, placing them in the same category as Energy and Water. This means that data centres will benefit from government support in terms of security and in the event of critical incidents but is also in recognition of the significant economic and employment benefits that they bring.</i></p>

Section/paragraph	Current Text	Proposed amendment
Appendix A, Full Document List (Page 55)		List of documents to be updated with titles and references of new documents, once amendments have been agreed.
Appendix B, Section 6, Key Characteristics table (page 61)		Add a development characteristic to list: <i>8) Businesses that store, process and distribute data and applications electronically</i>

1.2 Changes to Design Guide

Section/paragraph	Text in adopted document	Proposed amendment
Characteristics of Acceptable Uses table (page 11)		Add a development characteristic to list: <i>8) Businesses that store, process and distribute data and applications electronically</i>
Land Use Plan and Table (page 12)		Add purple shading and tick to column I of table, along 'Data Centres' row.
Design Principle LU3, final bullet (page 13)	<ul style="list-style-type: none"> Plot I: Energy generation & storage; advanced manufacturing and other industrial uses; micro-mobility hub (consider e-bike or e-scooter rental points, stop for internal site shuttle buses). Logistics not permitted. 	Change to: <ul style="list-style-type: none"> Plot I: Energy generation & storage; advanced manufacturing and other industrial uses; <i>data centres</i>; micro-mobility hub (consider e-bike or e-scooter rental points, stop for internal site shuttle buses). Logistics not permitted.
Design Principle LU6, criteria 2	2. Demonstrate that the proposed development on Plot I meets criterion 1 or 2 of the "Characteristics of acceptable uses" in the middle table on page 11.	Change to: <i>2. Demonstrate that the proposed development on Plot I meets criterion 1, or 2 or 8 of the "Characteristics of acceptable uses" in the middle table on page 11.</i>

1.3 Changes to Parameter Plans

Section/paragraph	Text in adopted document	Proposed amendment
Permitted Uses Parameter Plan, Legend bar, purple coloured plots.	Permitted uses are: Energy Generation & Storage, Advanced Manufacturing & Industrial (Class B2 and E (g) (iii))	Change to: <i>Permitted uses are: Energy Generation & Storage, Advanced Manufacturing & Industrial (Class B2 and E (g) (iii)) and Data Centres</i>

2. Changes required to allow environmental mitigation works to come forward early

2.1 Changes to Local Development Order and Statement of Reasons

Section/paragraph	Text in adopted document	Proposed amendment
Section 3.3, Biodiversity Net Gain (page 19)	In respect of other environmental mitigation proposals (Option 3 in the hierarchy), through consultation, the opportunity to provide a Fish Pass at Thrumpton Wier (River Trent) has been identified. Delivery of this Fish Pass (and similar interventions) is considered appropriate environmental mitigation and is encouraged by the Council. Whilst such interventions are not captured in Defra's Biodiversity Metric tool, for the purposes of this LDO they may be equated to BNG units based on project value, up to a maximum of 250 BNG units. With the agreement of the Council, the provision of such environmental mitigation proposals may be suitable ahead of measures under Option 2 of the hierarchy.	Change to: <i>"In respect of other environmental mitigation proposals (Option 3 in the hierarchy), through consultation, the opportunity to provide a Fish Pass at Thrumpton Wier (River Trent) has been identified. Delivery of this Fish Pass (and similar interventions) is considered appropriate environmental mitigation and is encouraged by the Council. Whilst such interventions are not captured in Defra's Biodiversity Metric tool, for the purposes of this LDO they may be equated to BNG units based on project value, up to a maximum of 250 BNG units. With the agreement of the Council, the provision of such environmental mitigation proposals may be suitable ahead of measures under Option 1 or Option 2 of the hierarchy."</i>

3. Changes required to allow Local Labour Agreements to be agreed on a plot-by-plot basis

3.1 Changes to Local Development Order and Statement of Reasons

Section/paragraph	Text in adopted document	Proposed amendment
Section 3, Table 2 – List of conditions, Condition 9 (page 14) and: Copy of condition 9 within Appendix B, Section 9 (page 70)	The development hereby permitted must not be commenced on any part of the Site until a Local Labour Agreement (LLA), for the Site's construction phase(s), has been submitted to and approved in writing by the Council. The LLA must show how opportunities for people living in the locality, including employment, apprenticeships and training, will be provided throughout the construction phase(s) of the Site. All development of specific plots or development areas within the Site	Change to: <i>The Each development hereby permitted must not be commenced on any development plot on part of the Site until a Local Labour Agreement (LLA), for the Site's construction phase(s), of that development has been submitted to and approved in writing by the Council. The LLA must show how opportunities for people living in the locality, including employment, apprenticeships and training, will be provided throughout the construction phase(s) of the development Site. All</i>

	must be carried out in accordance with the approved LLA.	<i>development of specific plots or development areas within the Site must be carried out in accordance with the approved LLA for that plot or area.</i>
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Appendix 2: Summary of consultation comments on proposed LDO amendments

Consultee**Summary of Comments****Local and Strategic Authorities**

East Midlands
Combined County
Authority

Concerns that the information provided is too limited to form a clear view, and the short holiday-period consultation has restricted proper consideration.

Unclear how the revisions affect ambitions for advanced manufacturing and green energy.

Unclear whether the changes alter the original very special circumstances.

Not enough detail on how the development mix across the site may shift.

Further evidence needed to justify claims of no EIA impact, particularly for water and energy.

Question remains on the value of undertaking only a partial review at this stage.

Nottinghamshire County
Council – Planning
Policy

Supportive of data centre use in principle but shifting it to the southern site could risk the commercial attractiveness and delivery of the wider scheme.

Clarification is needed on how investment will help unlock the northern site.

Potential loss of advanced manufacturing uses on the southern site raises concerns about changing the original vision for green, low-carbon and innovative industries.

Possible environmental impacts from data centres—carbon, water, heat, e-waste—may alter the scheme's effects, requiring reassessment of the original EIA.

Uncertainty over whether the environmental implications of the proposed revisions have been properly reviewed under EIA regulations.

Existing minerals and waste operations at Winking Hill remain relevant and must continue to be considered.

Archaeological matters pose no concern provided the ARMP is implemented.

Transport and flood-risk teams raise no objections to the revisions.

Consultee	Summary of Comments
Nottinghamshire County Council – Archaeology Officer	Has no objection to the amendments, noting they do not affect archaeology, provided the existing Archaeological Remains Management Plan is implemented.
Nottingham City Council Highways	Does not object to the proposal.
Nottinghamshire County Council Highways	Considers data centre use acceptable on the southern site, noting it would generate relatively low vehicle trips and could contribute S106 funding. Confirms traffic impacts will be addressed through Certificate of Compliance checks and raises no objection to the LDO amendment.
North West Leicestershire District Council	States that they have no objections to the proposal.
South Derbyshire District Council	It is noted that there are no objections in principle to the proposed revisions, provided other statutory consultees are satisfied on technical matters.
Broxtowe Borough Council	Does not object to the proposal.
Charnwood Borough Council	Supports the LDO amendments, recognising the site's regional economic importance and its role within the East Midlands Freeport. They say the changes will speed up development and improve implementation, though they reserve the right to reassess their position as the impacts become clearer.
Rushcliffe Borough Council – Conservation	No change to heritage impacts. No objection.
Rushcliffe Borough Council – Environmental Health	No immediate environmental health concerns identified, with technical impacts expected to be assessed at the detailed stage. On that basis, no objections in principle are raised to the revisions and no further issues highlighted beyond the option to follow up if needed.
Parish Councils and Ward Members	
Ruddington Parish Council	Does not object to the proposal.
East Leake Parish Council	Supports data centre use in principle but insists the 10% on-site biodiversity gain must be retained and not

Consultee	Summary of Comments
	<p>replaced with off-site contributions.</p> <p>Seeks assurance that environmental measures (e.g., green roofs, solar panels) remain required and raises concern that plot-by-plot labour plans could exclude shared-site employees.</p>
<p>West Leake Parish Meeting</p>	<p>There is disappointment that the original green-energy and Freeport vision has largely fallen away.</p> <p>Strong concern remains over developing Green Belt land south of the A453 given its high biodiversity and limited existing disturbance.</p> <p>Traffic effects on rural lanes continue to be a major worry, with no clear mitigation plan in place.</p> <p>Landscape and biodiversity proposals are viewed as inadequate, with significant loss of green space compared with the existing site.</p> <p>A data-centre-led approach could reduce building height and traffic, though the lack of clarity on its scale creates uncertainty.</p> <p>The amendments are seen as an opportunity to secure better on-site BNG, enhanced landscaping, and potentially a country-park-type approach.</p> <p>There is interest in further dialogue to shape traffic management and protect rural areas.</p>
<p>Gotham Ward RBC Councillors and Parishes</p>	<p>There is strong objection to allowing data centres on the Southern Site, seen as weakening the original green, net-zero-aligned land-use framework.</p> <p>Doubts are raised over the lack of evidence showing that existing permitted uses cannot be delivered, with no marketing or feasibility information provided.</p> <p>Concern remains that data centres do not match the climate-emergency justification previously used to support the LDO, given their high energy and water use and low long-term employment.</p> <p>The change is viewed as setting an unhelpful precedent for further incremental dilution of the LDO based on market arguments rather than planning rationale.</p>

Consultee	Summary of Comments
	<p>There is a call for a clear evidence base before any amendment is progressed, including marketing history, alternative uses considered, and why data centres cannot remain confined to the northern area.</p> <p>If data centres are permitted, there is an expectation that their extent be tightly capped and subject to strengthened environmental and job-verification safeguards.</p> <p>Objection is also raised to using the Strawberry Wood experience to justify changes to the BNG hierarchy, with concerns that delivery failures are being misattributed.</p> <p>Additional mitigation, such as a country-park-style scheme, is expected if data centre use is ultimately allowed.</p>
<p>Leake Ward Members – Cllrs Thomas, Billin and Way</p>	<p>Object to adding data centres on the southern site as it weakens the original green-technology and high-quality employment purpose for the land release.</p> <p>Concerns that the change shifts the intended development mix, reducing job density and undermining the strategic vision for advanced manufacturing.</p> <p>No evidence is provided to show that energy, heat and water demands would not materially affect environmental assessments or capacity.</p> <p>Relaxing the biodiversity hierarchy is seen as unjustified, allowing off-site measures without demonstrating on-site delivery is not possible.</p> <p>Uncertainty over the timing and merit of a partial review, especially given the linked Biodiversity Mitigation Strategy.</p> <p>Plot-by-plot labour agreements risk weakening whole-site coordination and leaving gaps in site-wide employment commitments.</p>
<p>Cllr J Walker</p>	<p>Raised concerns about potential biodiversity impacts and asks whether work has been undertaken on water use and grid capacity issues.</p>
<p>Statutory and Technical Consultees</p>	
<p>Environment Agency</p>	<p>They raise no concerns with adding the data centre use, have no objection to the revised mitigation hierarchy,</p>

Consultee	Summary of Comments
	and encourage prioritising a Fish Pass at Thrumpton Weir.
National Highways	Raised no objection to the proposal, confirming that the development presents no identified issues for the A453 Strategic Road Network, with reasons set out in their annex.
Historic England	No issues are identified from a historic-environment perspective, with no additional comments or concerns raised regarding the change.
UK Health Security Agency (UKHSA) – Environmental Hazards	Have no comments for the LDO.
Sport England	States they have no comments on the proposed LDO revisions.
Nottinghamshire Fire and Rescue Service	<p>Underlined that any buildings developed on the site would fall under the Fire Safety Order 2005 and relevant Building Regulations.</p> <p>Other than this statutory reminder, they offer no specific comments on the proposed LDO revisions.</p>
Aerodrome Safeguarding Authority	<p>Concerns about adding a data centre without a technical aviation-safeguarding assessment, particularly regarding any radio-frequency or electromagnetic emissions and how the facility will source its power.</p> <p>It is noted that the revisions will need to be incorporated into the site’s Bird Hazard Management Plan, as flat or warm roofs may attract birds and create aviation-risk issues.</p>
The Coal Authority	Confirm the site lies outside the defined coalfield and therefore they have no specific comments to make on the proposed LDO revisions.
NATS Aerodrome Safeguarding	No safeguarding objection to the proposal
National Grid	Some potential conflicts with NGET assets – request discussion with applicants.
NHS Nottingham and Nottinghamshire ICB	States they have no comment as no residential development is proposed.

Consultee	Summary of Comments
Trent Valley Internal Drainage Board	<p>Advises that the Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert. The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required). The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. Other technical advice is provided that will be relevant to detailed proposals.</p>
Public and Other Bodies	
Canal & River Trust	<p>States they have no comment to make on the proposed LDO revisions.</p>
Nottinghamshire Wildlife Trust	<p>There is disappointment that the preferred option for delivering biodiversity net gain (BNG) off-site within Rushcliffe is no longer prioritised.</p> <p>Uncertainty remains over how alternative mitigation proposals will be measured against BNG units, with no clear method provided for ensuring equivalence.</p> <p>Questions about how any alternative approach would be quantified, secured financially for the full 30-year period, and enforced robustly.</p> <p>Further clarification is needed before support can be given, particularly on long-term delivery and verification.</p>
CPRE Nottinghamshire	<p>Concerns about managing environmental impacts, particularly electricity demand, cooling water use and electronic waste.</p> <p>Strongly advocate that the LDO should incorporate National Grid's Chesterfield-to-Ratcliffe route as a preferable upgrade option, avoiding greater landscape and community harm associated with the Willington route.</p> <p>It is noted the southern area may allow faster delivery but stress the need for full understanding of its environmental footprint before any change is accepted.</p>

Consultee	Summary of Comments
East Midlands Freeport	<p>Supports the proposed revisions to the Local Development Order, stating they align with national policy, respond to market conditions, and will help accelerate comprehensive development of the Ratcliffe-on-Soar site.</p> <p>Considers the inclusion of data centres on land south of the A453 a catalyst for delivery of the wider site, enabling reinvestment in infrastructure and supporting Freeport objectives for job creation, investment, and regional economic growth.</p> <p>Requests clarification that the amendments comply with the existing Environmental Impact Assessment and that the LDO parameter plans are updated to reflect the proposed permitted uses, to avoid delays to delivery.</p>
Landowner	
Uniper	<p>Supports data centres on the southern site as a major investment opportunity aligned with national AI aims and existing infrastructure, noting it can be delivered far earlier than the northern site due to fewer constraints. States the amendment has minimal planning impact with no changes to key design or environmental parameters.</p>
Local Residents	
Residents 1, 7, 8, 18, and 19	<p>Supports new development in principle but strongly opposes the loss of the cooling towers and chimney, arguing they are iconic heritage assets whose retention and reuse would be more environmentally sustainable than demolition.</p>
Residents 2, 5, 13, 14, 23, 24, and 26	<p>Consider the proposals insufficiently ambitious and believes the site should instead deliver major energy infrastructure to support long-term economic growth, energy security, and reduced energy costs.</p>
Residents 4 and 9	<p>State development should be confined to the existing brownfield power station land and not extend south of the A453, citing the absence of environmental baseline data and uncertainty around biodiversity net gain.</p>
Residents 5, 6, 11, 13, 23, 24, and 26	<p>Object to data centre use, stating it is highly energy and water intensive, offers few long-term local jobs, and provides limited community benefit compared to alternative energy-based uses.</p>

Consultee	Summary of Comments
Residents 6, 10, 14, 15, 20, 23, 24, and 26	Concerns about water use, pollution risk, and wider environmental harm associated with data centres, and requests clear forecasting of impacts on rivers, residents, and local infrastructure.
Residents 1, 6, 7, 8, and 15	Suggest the site would be better suited to nature-led, cultural, or community-focused uses that prioritise public wellbeing and environmental enhancement.
Residents 9, 10, and 20	Concerns about poor road conditions, construction traffic impacts, and flood risk, arguing that existing infrastructure is inadequate to support the proposed development.
Residents 4, 9, 17, and 22	Objects to development south of the A453, arguing the land should remain undeveloped to protect biodiversity, rural character, and environmental mitigation capacity.
Resident 3, 16, and 25	Strongly supports a data centre on the southern site, stating it aligns with national policy, attracts investment, supports local businesses and universities, and strengthens the local economy.

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**Appendix 3: Ratcliffe on Soar Local Development Order Proposed
Amendments (consultation version)**

Ratcliffe-on-Soar Local Development Order

Proposed Amendments

November 2025

Preamble

There are three consultation documents for the proposed revisions to the Ratcliffe on Soar Local Development Order:

1. Ratcliffe on Soar Local Development Order – Proposed Amendments (which is this document);
2. Ratcliffe on Soar Local Development Order – Schedule of Proposed Amendments; and
3. Data Centre Opportunity at Ratcliffe on Soar Briefing Paper.

Ratcliffe-on-Soar Local Development Order

Proposed Amendments

November 2025

Recognising that the Ratcliffe Site will play a vital role in delivering on the Government's ambition to meet the needs of a modern economy, to support growth in Artificial Intelligence and identify locations for data centres, it is proposed that amendments are made to the Ratcliffe-on-Soar LDO to ensure that the LDO is fully aligned with this ambition and can allow development to come forward quickly. Two other procedural improvements are also proposed to improve the implementation of the LDO. It is proposed that these amendments are treated separately from the formal LDO review process scheduled to take place in 2026.

This paper sets out the context and rationale for the proposed amendments and identifies the changes to the LDO documents. It also sets out the legislative basis for implementing these amendments and the relationship to the formal LDO review process.

The Arup 'Ratcliffe on Soar Local Development Order – Schedule of Proposed Amendments' paper set out the proposed amendments in detail. Appendix A provides information on data centre developments and highlights their economic benefits.

1. Data Centres on Ratcliffe's Southern Site

1.1 Context and Government Policy

Since the adoption of the LDO, there has been a significant and continuing, world-wide, growth in demand for data centres, driven by the growth of Artificial Intelligence (AI) and Machine Learning (ML). This is a fast moving, globally competitive market, which offers major benefits for countries who can capture these multi-billion pound investments.

Government is actively working to ensure that the UK can attract this investment and benefit from the growth of AI. Government has published its AI Opportunities Action Plan¹ which seeks to establish Artificial Intelligence Growth Zones (AI Growth Zones) to help accelerate the delivery of data centres and AI infrastructure.

The Ratcliffe Site is very well placed to deliver on these aims and ambition, having unique characteristics which make it highly attractive to data centre developers and investors - power availability, access, land availability and the proximity to a skilled workforce. The LDO also allows planning consent for data centre uses which further increases the Site's attractiveness.

1.2 Planning Policy Changes

To support the delivery of data centres and AI technology, Government has recently introduced changes to the national planning policy framework (NPPF) to place significantly greater emphasis on promotion of data driven high technology and creative industries. These changes include

Section 6, paragraph 86 of the NPPF, **Building a strong, competitive economy**, states that:

Planning Policies should:

¹ <https://www.gov.uk/government/news/prime-minister-sets-out-blueprint-to-turbocharge-ai>

- c) *pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, **data centres**, digital infrastructure, freight and logistics;*

and paragraph 87 states that

Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:

- a) ***clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections);***

From September 2024, Government categorises data centres as **Critical National Infrastructure**, placing them in the same category as Energy and Water. This means that data centres will benefit from government support in terms of security and in the event of critical incidents but also in recognition of the significant economic and employment benefits that they bring.

1.3 Data Centres and the Ratcliffe-on-Soar LDO

The Ratcliffe-on-Soar LDO identifies data centres as an appropriate use for the site, which aligns with the Council's overall aims and vision for the site. However, the LDO currently restricts data centres to the Northern Site.

This situation arose from the original drafting of the LDO, when gigafactories (such as for battery and electric car manufacture) and green energy uses were central to the vision for the site. The Council therefore identified these as suitable uses for the more visually and environmentally sensitive Southern Site.

As outlined above, since the approval of the LDO, market conditions and the political landscape have changed, and there is now a major initiative to bring forward data centre development quickly to help drive economic growth. These data centres are also getting larger and delivery programmes are becoming much shorter.

At Ratcliffe, on the Northern Site, plans are currently in-train to start the demolition of the power station complex and British Gypsum is seeking to bring forward an open cast gypsum mine on the northern hillside. These activities mean that major development on Northern Site cannot come forward in the short term.

The Southern Site at Ratcliffe is less constrained and development on this site can be brought forward more quickly. Therefore, in order to respond to the rapidly evolving national economic and planning policy landscape, it is proposed that the Ratcliffe-on-Soar LDO is modified to allow data centre uses to come forward on the Southern Site.

Data-centres on the Southern Site are considered to be compatible with the vision and principles of the LDO. These are significant investments (£billions) that create high-value employment and bring significant benefits to the local economy. Their buildings would be capable of fitting within the approved LDO parameters for the Southern Site, including their height, and would align with the Design Guide. Appendix A to this document provides details of the data centre market and provides examples of similar, large-scale, data centre developments and their economic impact.

1.4 Proposed Amendments

The principle of constructing data centres on the Ratcliffe Site is already established and the permitted uses would not need to change. The proposed amendment is to allow data centre uses to come forward on the Southern Site.

In the LDO, the primary mechanism for controlling uses on particular areas of the Site are the ‘Permitted Uses’ Parameter Plan, Section 2.4 of the LDO and the Design Guide. The proposed changes to these sections are set out in the ‘Ratcliffe on Soar – Schedule of Amendments’ paper. In summary these comprise:

- Text changes to Section 2.4 to add an additional characteristic for acceptable uses to follow the wording in paragraph 87 of the NPPF and support the government ambition for developing AI and data centre growth.
- A text change to the key of the Permitted Uses Parameter Plan
- Equivalent changes to the Permitted Uses Plan and table in the Design Guide
- Equivalent text changes within Design Principles LU3 and LU6

It would not be necessary to make other changes as it is expected that data centres will comply with LDO conditions, Parameter Plans and Design Guide in all other respects. This includes compliance with the existing height restrictions for the Southern Site as controlled by the Maximum Heights Parameter Plan and Principles BH1 and BH2 of the Design Guide, and the requirement to provide strategic landscape buffers at the site perimeters, as set out in the existing Strategic Landscape Parameter Plan and Design Guide Principle SL1.

2. Providing Biodiversity Net Gain

2.1 Context

The Ratcliffe-on-Soar LDO sets out a commitment to deliver a high quality and sustainable development. Whilst mandatory targets for achieving Biodiversity Net Gain (BNG) do not apply to Local Development Orders, the adopted Ratcliffe LDO aims to achieve a target of at least 10% gain, reflecting the mandatory target set for planning applications.

The approach taken is set out in Section 3.3 of the LDO and Statement of Reasons document and broadly follows the statutory format, including establishing a hierarchy of delivery as set out below. Developers are required to demonstrate how they apply this hierarchy in Certificate of Compliance (CofC) applications (approval of which is required before detailed development schemes can go ahead):

- 1) *BNG units to be provided on-site (for example, areas of strategic landscaping, soft landscaping within development plots and green roofs on buildings).*
- 2) *BNG units to be provided off-site on land elsewhere in Rushcliffe Borough with a management agreement for 30 years.*
- 3) *Other environmental mitigation proposals as agreed with the Council may be implemented. Such proposals will be equated to BNG units.*
- 4) *BNG units to be provided off-site on land near Rushcliffe Borough.*
- 5) *A financial contribution in lieu of BNG payable to the Local Authority.*
- 6) *Purchase of equivalent credits under the Government’s National Credits Scheme*

Option (3) above was introduced into the Ratcliffe LDO to allow environmentally beneficial schemes to come forward. An example of a suitable environmental scheme in this category is given as the proposed Fish Pass at Thrumpton Weir

The LDO as drafted requires CofC applicants to evidence that they are unable to deliver the previous options in the hierarchy before a lower order mitigation can be accepted. A caveat is included in the final paragraph of Section 3.3, to allow the provision of environmental schemes falling into Option (3) ahead of Option (2), with the agreement of the Council.

In practice this wording has created an unforeseen difficulty. A potential environmental scheme has been identified which could be enabled by the LDO. This involved the purchase and enhancement of a nearby woodland - 'Strawberry Wood' in Gotham, which would deliver a significant environmental benefit. The idea had the support of the local community and local politicians. This proposal would fall under Option (3) of the BNG hierarchy, however the difficulty in planning is that, as there is currently no individual plot developer ready to make a CofC application, there is no means to evidence that Options (1) and (2) cannot be met. This prevented delivery of what would be a significant, and popular, environmental gain which could be provided through the LDO.

2.2 Proposed Amendment

It is proposed that a amendment is incorporated to allow suitable mitigation schemes falling within option 3 to be delivered ahead of options 1 and 2, subject to the agreement of the Council. This would address the situation above and allow the Strawberry Wood proposal to come forward.

No amendment is being sought to the overall number of BNG units to be provided, nor are any changes proposed to the BNG hierarchy.

The suggested revisions to text within Section 3.3 of the LDO and Statement of Reasons, are set out in the 'Ratcliffe on Soar LDO – Schedule of Amendments' paper.

3. Local Labour Agreements

3.1 Context

Condition 9 of the Ratcliffe LDO requires applicants to submit a Local Labour Agreement (LLA) to demonstrate that the development offers employment opportunities for local people during the construction phase. The condition requires the LLA to be submitted for approval prior to the commencement of development on any part of the site. The current condition wording is:

The development hereby permitted must not be commenced on any part of the Site until a Local Labour Agreement (LLA), for the Site's construction phase(s), has been submitted to and approved in writing by the Council. The LLA must show how opportunities for people living in the locality, including employment, apprenticeships and training, will be provided throughout the construction phase(s) of the Site. All development of specific plots or development areas within the Site must be carried out in accordance with the approved LLA.

The current wording is somewhat ambiguous and can be interpreted as requiring a single LLA to be submitted for approval prior to the commencement of the first development and thereafter to be adhered to by all plot developers.

For practical reasons this interpretation of the condition would be difficult to comply with. Development is likely to come forward in a number of phases or on a plot by plot basis, with each

plot developer employing its own contractors and methods of working. It would therefore be extremely difficult to draft a LLA that could be applied to all such developments over a significant period of time.

3.2 Proposed Amendment

In order to remove any such ambiguity it is proposed that the condition wording is adjusted to make clear that individual LLAs are to be submitted for each individual plot, prior to commencement. The proposed revised wording is set out in the ‘Ratcliffe on Soar – Schedule of Amendments’ paper.

4. Legislative Framework & Guidance for LDO Amendments

Good practice guidance produced by PAS² emphasises the need to build in flexibility to LDOs and allow for their review, stating, “*It is important that LDO’s do not constrain opportunities to respond to future development demands or to keep up to date with changes in technology or new standards*”.

Schedule 4A (2) of the 1990 Town and Country Planning Act states

“2 (1) The local planning authority may at any time prepare a revision of a local development order” ...

The Council is therefore able to amend or revise the LDO at any time, in order to respond to issues that arise. This would include, for example, the need for text changes or addressing other matters preventing or delaying delivery of development consented by the LDO, or to respond to changing policy, development demands or technology.

The Ratcliffe LDO does not prescribe a process for the review or revision, and the legislation does not distinguish between original drafting and revising. Guidance can be taken from Article 38 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) which sets out the processes for preparing an LDO, the key stages of the drafting and adoption process being:

- Draft the (revised) LDO document
- Screen against EIA Regulations for any additional/new significant effects (There are no effective changes in terms of environmental impacts, so assumed this is negative)
- Consult with prescribed bodies and other bodies as per a traditional planning application (minimum 28 days)
- Publicise via notices on site and in the press
- Place the revised LDO on the Planning Register
- Consider representations
- Adopt the revised LDO by a Resolution of the LPA
- Send a copy to Secretary of State

The LDO incorporates a requirement for formal revision as described in section 5 below. However, given the rapid evolution of AI technology, the critical importance that the UK Government is placing on provision of data centres, it is argued that there is a strong case for a making ‘amendments’ to the LDO, ahead of the scheduled comprehensive review of the LDO in mid-2026. (as required by condition 1 of the LDO).

² <https://www.local.gov.uk/sites/default/files/documents/LDO%20Guidance%20Document%20March%202019.pdf>

It is proposed that the Council would undertake a 28-day consultation focused only on proposed wording changes (i.e. consultation focussed purely on the proposed changes outlined above).

5. Alignment with the formal LDO Review Process

Condition 1 of the Ratcliffe LDO sets out a requirement that the LDO is reviewed 3 years from its adoption, i.e. 13th July 2026 and thereafter at 5 yearly intervals. It is envisaged that this scheduled review would involve:

- A review of whether LDO is achieving its aims & facilitating development
- Providing other parties with the opportunity to comment about any other aspect of the LDO
- Options to introduce new/different concepts etc.
- Wider consultation – allowing parties to introduce or comment on other issues

This may be a wide-ranging review and involve input from many different stakeholders. This may take time, and may require additional technical work if changes to development parameters are proposed.

It is important that this Review is undertaken, however the changes that may be introduced could be more extensive than the amendments set out above. It is therefore proposed that the amendments set out in this paper are considered and processed separately, and ahead of the more comprehensive review scheduled for July 2026.

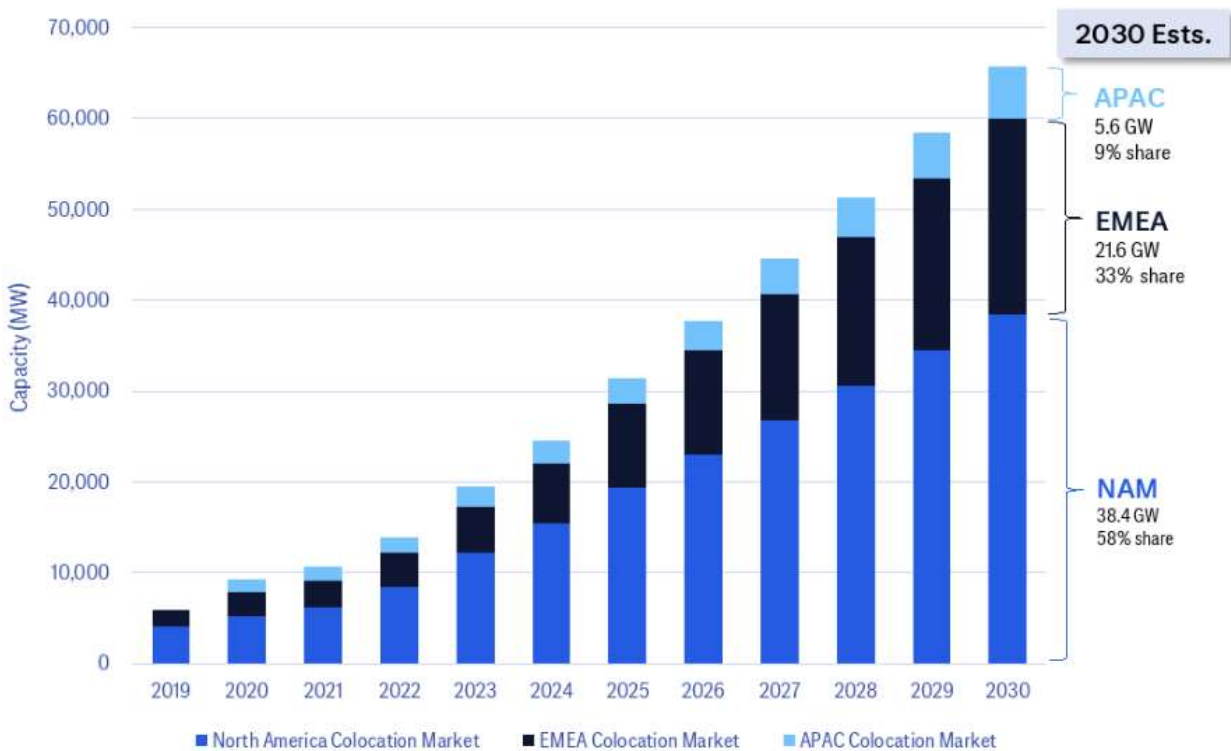
Appendix A

Data Centre Case Studies & Economic Benefits

Data Centre Market Conditions

The use of AI and machine learning has expanded dramatically during the past years. More data is being stored and shared across the world. Data-centre developers are responding to this change, investing £bn's to create global networks of linked data-centres which can respond to this demand.

The graph below outlines the forecast exponential growth in data centre capacity and highlights capacity more than tripling between 2023 (when the LDO was approved) and 2030.



Graph – Forecast global growth in data centre capacity (Source Citi Group)

This is fast-moving, global market. Operators are looking for large, available sites, with a large power supply and a supportive planning environment where they can deliver new, large-scale, data centres.

Data Centres – example projects (by Arup)



Equinix 24MW



Equinix 24MW



Hyperscale WXT 90MW



Hyperscale 60MW



Avalon UK 120MW



Hyperscale 96MW

Local economic benefits

Data centre development can generate significant indirect economic benefits for the local region (see Hertsmere case-study below). A data centre at Ratcliffe could support the growing gaming industry in Nottinghamshire (e.g. Games Workshop, Sumo Digital and Dambuster Studios). It would also support the local universities and research centres, including NTU's Confetti campus that focuses on creative and digital courses and an e-sports venue, and Nottingham University's 'Digital Nottingham', a new hub connecting University, communities and businesses.

Whilst not a planning consideration it is estimated that a datacentre on the Southern Site could potentially generate £2-£3m annually in rates³. Under Freeport legislation this income can be retained by the Local Authority. This will help mitigate the loss of rates income following the closure of the Power Station.

Unlocking the LDO Site

Unlocking major development projects often require significant infrastructure investment. This is the case for the Ratcliffe Site, where investment is required to help deliver capacity improvements on the highway network - in particular at M1 Junction 24. Whilst a large data centre development is unlikely to generate excessive vehicle trips, it could generate a significant s106 contribution which could partly be directed towards highway capacity improvements. The development could also provide robust business case for the public sector to borrow against future business rates income (as allowed under Freeport powers) to release additional funding for highway improvements.

A data centre development delivered in the coming years on the Southern Site, could therefore help unlock the wider development opportunity of the Ratcliffe Site.

³ Taken from a sample of existing data centres; actual figure will be based on rateable value of the building multiplied by the national multiplier figure and minus any rate relief (Applicable in Freeports for first 5 years)

Case Study - Hertsmere

In January 2025 Hertsmere Borough Council's planning committee gave outline permission ⁴for a data centre development that would provide 186,000 square metres of use class B8 (storage and distribution) floorspace, on 34.4-hectares of green belt agricultural land next to South Mimms services on the M1 in Hertfordshire. This was said to be Europe's largest data centre.

The Council considered that the site met the definition of Grey Belt and, in approving the scheme, the officer report stated that the harm to the Green Belt was outweighed by the substantial benefits of the proposal, including meeting a proven need for data centre and the economic benefits, including employment.

Economic projections estimate the construction value of the project at £3.75bn with a year-round generation of £21.4m in business rates once the data centre is operational, the statement added. The data centre would also create 500 skilled on-site jobs during the construction phase, 200 permanent, skilled jobs once operational and a further 10,900 indirect jobs, the Council said.

In making the announcement of data centres as Critical National Infrastructure the Technology Secretary, Peter Kyle, cited the investment of nearly £4 billion in Hertsmere - Europe's largest data centre. He said will support almost 14,000 jobs across the country⁵.



Visualisation of the Hertsmere data centre (Source - DC01UK)

⁴ Source: Planning Magazine online article 24th February 2024

⁵ [Data centres to be given massive boost and protections from cyber criminals and IT blackouts - GOV.UK](#)

Case Study – Abbots Langley

In May 2025 outline permission for a data centre comprising 2 buildings totalling 84,000sqm of floorspace on Green Belt land at Abbots Langley in Hertfordshire was approved on planning appeal⁶. The appeal was called in and determined by the Housing Minister where it was agreed that the land constituted ‘Grey Belt’ land. The Inspector attributed significant weight to “a clear and pressing need for new data centre capacity”, a lack of alternative sites, the economic and employment benefits and the creation of a country park.



Images of the Abbots Langley data centre (Source - Pegasus Group Design and Access Statement)

⁶ Source: Planning Magazine online article 13th May 2025

**Appendix 4: Ratcliffe on Soar LDO – Schedule of Proposed
Amendments (consultation version)**

Ratcliffe-on-Soar Local Development Order Schedule of Proposed Amendments November 2025

Preamble

There are three consultation documents for the proposed revisions to the Ratcliffe on Soar Local Development Order:

1. Ratcliffe on Soar Local Development Order – Proposed Amendments;
2. Ratcliffe on Soar Local Development Order – Schedule of Proposed Amendments (which is this document); and
3. Data Centre Opportunity at Ratcliffe on Soar Briefing Paper.

The proposed revisions to the Ratcliffe on Soar Local Development Order (LDO) are described or illustrated in the various tables below. New text proposed to be added to the LDO is highlighted in red and text proposed to be deleted is struck-through (e.g. ~~revision~~).

It may help to further understand how the proposed revision would amend the LDO to cross refer to the following existing LDO documents:

- Ratcliffe on Soar Local Development Order and Statement of Reasons, July 2023
- Ratcliffe on Soar Local Development Order: Design Guide, July 2023
- Ratcliffe on Soar Local Development Order: Parameters Plans, July 2023

These three documents are available to view on the Borough Council's website in the same location as this document (online at <https://planningon-line.rushcliffe.gov.uk/online-applications/> and search using reference number 25/02015/LDO).

Ratcliffe-on-Soar Local Development Order

Schedule of Proposed Amendments

November 2025

The proposed amendments to the adopted Ratcliffe on Soar Local Development Order (LDO) documents are set out below. These amendments will enable the following:

- 1) Allow data centre uses to be located on the Southern Site (Plot I)
- 2) Allow environmental mitigation works to come forward early with Council agreement
- 3) Allow Local Labour Agreements to be agreed on a plot-by-plot basis

1. Amendments to allow Data Centres on Southern Site

1.1 Changes to Local Development Order and Statement of Reasons

Section/paragraph	Current Text	Proposed amendment
Section 2.4, Development Permitted by LDO, third paragraph (page 8)	The Design Guide identifies design principles and a set of characteristics that must be demonstrated by all prospective occupiers of the Site in order for their Application for a Certificate of Compliance to be accepted. Importantly, this includes a description of the criteria needed to accord with the Vision for the Site, as set out in Design Principle LU 6 and requires potential development on Plots A to G (except Plot F which has been reserved for a car park) to meet at least one of the following characteristics, and development on Plot I to meet either 1) or 2) (examples of acceptable uses are also set out in the Design Guide):`	Change to: <i>The Design Guide identifies design principles and a set of characteristics that must be demonstrated by all prospective occupiers of the Site in order for their Application for a Certificate of Compliance to be accepted. Importantly, this includes a description of the criteria needed to accord with the Vision for the Site, as set out in Design Principle LU 6 and requires potential development on Plots A to G (except Plot F which has been reserved for a car park) to meet at least one of the following characteristics, and development on Plot I to meet either 1), or 2) or 8) (examples of acceptable uses are also set out in the Design Guide):</i>
Section 2.4, numbered list of characteristics (page 8)		Add a development characteristic to list: <i>8) Businesses that store, process and distribute data and applications electronically</i>
Section 7.3, Strategic Context (page 37)		Add the following at end of section <i>Government support for growth of AI and data centre investment</i> <i>There has been a significant and continuing, world-wide, growth in demand for data centres, driven by the</i>

Section/paragraph	Current Text	Proposed amendment
		<p><i>growth of Artificial Intelligence (AI) and Machine Learning (ML). This is a fast moving, globally competitive market, which offers major benefits for countries who can capture these multi-billion pound investments.</i></p> <p><i>The UK Government is actively working to ensure that the UK can attract this investment and benefit from the growth of AI and has published its AI Opportunities Action Plan¹ which seeks to establish Artificial Intelligence Growth Zones (AI Growth Zones) to help accelerate the delivery of data centres and AI infrastructure.</i></p> <p><i>The Ratcliffe Site is very well placed to deliver on these aims and ambitions, with unique characteristics which make it highly attractive to data centre developers and investors – availability of power and water, connectivity, land availability at the required scale and the proximity to a skilled workforce.</i></p> <p><small>¹https://www.gov.uk/government/news/prime-minister-sets-out-blueprint-to-turbocharge-ai</small></p>
<p>Section 7.4, Planning Policy Context (page 37)</p>		<p>At end of the section on ‘National Planning Policy Framework’ add the following paragraphs:</p> <p><i>To support the delivery of data centres and AI technology, Government introduced changes to the National Planning Policy Framework (NPPF) published in December 2024, to place significantly greater emphasis on promotion of data driven high technology and creative industries. These changes include:</i></p> <p><i>Section 6, paragraph 86 of the NPPF, Building a strong, competitive economy, which states that:</i></p> <p><i>Planning Policies should:</i></p> <p><i>c) pay particular regard to facilitating development to meet</i></p>

Section/paragraph	Current Text	Proposed amendment
		<p><i>the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics;</i></p> <p><i>and paragraph 87 states that</i></p> <p><i>Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:</i></p> <p><i>a) clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections);</i></p> <p><i>In addition, from September 2024, the government has categorised Data Centres as Critical National Infrastructure, placing them in the same category as Energy and Water. This means that data centres will benefit from government support in terms of security and in the event of critical incidents but is also in recognition of the significant economic and employment benefits that they bring.</i></p>
Appendix A, Full Document List (Page 55)		List of documents to be updated with titles and references of new documents, once amendments have been agreed.
Appendix B, Section 6, Key Characteristics table (page 61)		<p>Add a development characteristic to list:</p> <p><i>8) Businesses that store, process and distribute data and applications electronically</i></p>

1.2 Changes to Design Guide

Section/paragraph	Text in adopted document	Proposed amendment
Characteristics of Acceptable Uses table (page 11)		Add a development characteristic to list: <i>8) Businesses that store, process and distribute data and applications electronically</i>
Land Use Plan and Table (page 12)		Add purple shading and tick to column I of table, along ‘Data Centres’ row.
Design Principle LU3, final bullet (page 13)	<ul style="list-style-type: none"> Plot I: Energy generation & storage; advanced manufacturing and other industrial uses; micro-mobility hub (consider e-bike or e-scooter rental points, stop for internal site shuttle buses). Logistics not permitted. 	Change to: <ul style="list-style-type: none"> Plot I: Energy generation & storage; advanced manufacturing and other industrial uses; <i>data centres</i>; micro-mobility hub (consider e-bike or e-scooter rental points, stop for internal site shuttle buses). Logistics not permitted.
Design Principle LU6, criteria 2	2. Demonstrate that the proposed development on Plot I meets criterion 1 or 2 of the “Characteristics of acceptable uses” in the middle table on page 11.	Change to: <i>2. Demonstrate that the proposed development on Plot I meets criterion 1, or 2 or 8 of the “Characteristics of acceptable uses” in the middle table on page 11.</i>

1.3 Changes to Parameter Plans

Section/paragraph	Text in adopted document	Proposed amendment
Permitted Uses Parameter Plan, Legend bar, purple coloured plots.	Permitted uses are: Energy Generation & Storage, Advanced Manufacturing & Industrial (Class B2 and E (g) (iii))	Change to: <i>Permitted uses are: Energy Generation & Storage, Advanced Manufacturing & Industrial (Class B2 and E (g) (iii)) and Data Centres</i>

2. Changes required to allow environmental mitigation works to come forward early

2.1 Changes to Local Development Order and Statement of Reasons

Section/paragraph	Text in adopted document	Proposed amendment
Section 3.3, Biodiversity Net Gain (page 19)	In respect of other environmental mitigation proposals (Option 3 in the hierarchy), through consultation, the opportunity to provide a Fish Pass at Thrumpton Wier (River Trent) has been identified. Delivery of this Fish Pass (and similar interventions) is considered appropriate environmental mitigation and is encouraged by the Council. Whilst such interventions are not captured in Defra’s Biodiversity Metric tool, for the purposes of this LDO they may be equated to BNG units based on project value, up to a maximum of 250 BNG units. With the agreement of the Council, the provision of such environmental mitigation proposals may be suitable ahead of measures under Option 2 of the hierarchy.	Change to: <i>“In respect of other environmental mitigation proposals (Option 3 in the hierarchy), through consultation, the opportunity to provide a Fish Pass at Thrumpton Wier (River Trent) has been identified. Delivery of this Fish Pass (and similar interventions) is considered appropriate environmental mitigation and is encouraged by the Council. Whilst such interventions are not captured in Defra’s Biodiversity Metric tool, for the purposes of this LDO they may be equated to BNG units based on project value, up to a maximum of 250 BNG units. With the agreement of the Council, the provision of such environmental mitigation proposals may be suitable ahead of measures under Option 1 or Option 2 of the hierarchy.”</i>

3. Changes required to allow Local Labour Agreements to be agreed on a plot-by-plot basis

3.1 Changes to Local Development Order and Statement of Reasons

Section/paragraph	Text in adopted document	Proposed amendment
Section 3, Table 2 – List of conditions, Condition 9 (page 14) and: Copy of condition 9 within Appendix B, Section 9 (page 70)	The development hereby permitted must not be commenced on any part of the Site until a Local Labour Agreement (LLA), for the Site’s construction phase(s), has been submitted to and approved in writing by the Council. The LLA must show how opportunities for people living in the locality, including employment, apprenticeships and training, will be provided throughout the construction phase(s) of the Site. All development of specific plots or development areas within the Site must be carried out in accordance with the approved LLA.	Change to: <i>The Each development hereby permitted must not be commenced on any development plot on part of the Site until a Local Labour Agreement (LLA), for the Site’s construction phase(s), of that development has been submitted to and approved in writing by the Council. The LLA must show how opportunities for people living in the locality, including employment, apprenticeships and training, will be provided throughout the construction phase(s) of the development Site. All development of specific plots or development areas within the Site must be carried out in accordance with the approved LLA for that plot or area.</i>

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**Appendix 5: Data Centre Opportunity at Ratcliffe-on-Soar Briefing
Paper (consultation version)**

Data Centre Opportunity at Ratcliffe-on-Soar Briefing Paper

November 2025

Preamble

There are three consultation documents for the proposed revisions to the Ratcliffe on Soar Local Development Order:

1. Ratcliffe on-Soar Local Development Order – Proposed Amendments;
2. Ratcliffe on Soar Local Development Order – Schedule of Proposed Amendments; and
3. Data Centre Opportunity at Ratcliffe on Soar Briefing Paper (which is this document).

Data Centre Opportunity at Ratcliffe-on-Soar Briefing Paper

November 2025

Introduction

The rapid rise in the use of Artificial Intelligence (AI), machine learning and cloud computing is fuelling a significant and continuing, world-wide growth in the demand for data centres. These are multi-billion pound investments that bring major benefits to their local areas.

Government is working proactively to ensure that the UK can attract and benefit from data centre investments and has published an AI Opportunities Action Plan¹, and made changes to the National Planning Policy Framework that make clear that planning policies and decisions should place greater emphasis on uses, including data centres and digital infrastructure, that meet the needs of a modern economy². The Ratcliffe Site is very well placed to capitalise on this ambition, having unique characteristics which make it highly attractive to data centre developers and investors.

This paper summarises the opportunities that data centres can bring and the economic and social benefits for Rushcliffe Borough. It also introduces an amendment required to the Ratcliffe-on-Soar Local Development Order (LDO) which would allow this opportunity to be maximised.

Data Centres

Data centres are large warehouse-style buildings accommodating IT equipment which supports worldwide digital communication and computing processes. Some are operated by well-known companies such as Google, Microsoft and Amazon Web Services, but there are also many specialist developers and operators in the market.

Data centre buildings include formats which would be accommodated within the approved LDO height parameters and can be effectively screened by landscaping and trees. The operations generate very little noise or emissions. They also have a relatively low transport impact compared to buildings of this size.

Images –Recently approved Hertsmere data centre



Positive Economic Impacts

Data Centres bring very significant economic benefits to their local area. This is often referred to as a “halo effect” created by the direct benefit of well-paid jobs in construction and data centre

¹ <https://www.gov.uk/government/news/prime-minister-sets-out-blueprint-to-turbocharge-ai>

² NPPF Section 6, paragraphs 86 and 87

operation, and the positive ripple impact on local businesses, including supporting university research capacity and local technology businesses and start-ups.

For example, the recently approved Hertsmere data centre - construction value £3.75bn - is forecast to support 14,000 jobs and contribute £21.4m annually in business rates. It is also anticipated to contribute £1.1bn annually in indirect GVA to the wider economy.

A Data Centre at Ratcliffe

The Ratcliffe on Soar power station site - with available power and cooling water - makes it a highly attractive location for data centre developers. This is further enhanced by the proximity of a well-educated and skilled workforce; good transport links and by being within an attractive area to live and work.

However, parties will need to work quickly to attract major data centre development. This is a very fast-moving market, with developers comparing locations across the globe, and selecting those sites which can be operational within two years of an investment decision. The work by Rushcliffe Borough Council to produce the Ratcliffe-on-Soar LDO which permits data centre uses, is a very positive step that will enable this accelerated delivery programme.

Currently, plans are underway to demolish the power station on the northern area of the Ratcliffe site (north of the A453). British Gypsum has also submitted a planning application for quarrying activities in this area. This means that some areas on the Northern Site can be developed in 2025 but the land available is restricted significantly until demolition is complete in 2030. Furthermore, locating high value IT equipment adjacent to a demolition site would likely be seen as adding risk for a developer.

By contrast, the Southern Site (the former ash fields, south of the A453) is relatively unconstrained and is currently available for a data centre.

Currently, the wording of the LDO only allows data centre uses on the northern site. An amendment would therefore be required to allow data centre uses on the Southern Site and enable the LDO to align with recent government policy and changing market conditions. It is highlighted that a data centre will be compatible with the design guide and parameter plan requirements set for the Southern Site

The Benefits for Rushcliffe

Securing a major data centre development at Ratcliffe will bring significant benefits for Rushcliffe Borough and the wider area.

In addition to the direct and indirect jobs created and the investment in the local economy, a data centre will generate significant business rates – estimated at £2-£3m annually³. Given the Freeport status of the site, the Council will be able to retain all of these rates.

A large-scale data-centre development will also provide significant s106 contributions. An early multi-million-pound contribution could therefore be directed towards helping unlock improvements to Junction 24 on the M1. In this way, the Council would be helping release wider growth opportunities across the region.

³ Taken from a sample of existing data centres; actual figure will be based on rateable value of the building multiplied by the national multiplier figure and minus any rate relief (Applicable in Freeports for first 5 years)

A first phase of development at Ratcliffe will also help to support subsequent phases to come forward as issues relating to transport and electricity supply are resolved. Momentum would hopefully start to build, helping development on the northern site to come forward more quickly.

Summary

The demand for data centres has grown dramatically since the LDO was first approved. This is a fast-moving market and, with an amendment to the LDO, there is a strong possibility that a major data centre development could be delivered on the south site at Ratcliffe within the next few years. This will bring very significant benefits to the local economy, including the ability for the Council to retain business rates, and by helping unlock capacity issues at M1 Junction 24.

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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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