

Council – Supplementary agenda No.1

A meeting of the Council will be held on:

Date: 23 January 2014

Time: 7.00pm

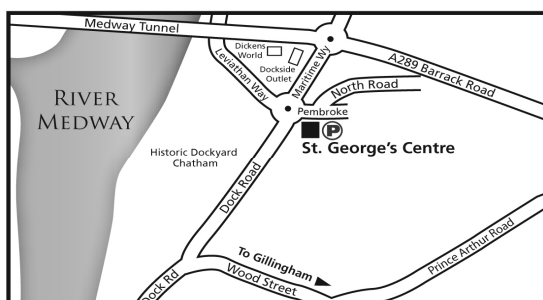
Venue: St George's Centre, Pembroke Road, Chatham Maritime, Chatham ME4 4UH

Items

11	Rochester Airport - Masterplan (Appendices A-H)	(Pages 3 - 200)
13	Localising Support for Council Tax (Appendices A-E)	(Pages 201 - 470)

For further information please contact Julie Keith, Head of Democratic Services on Telephone: 01634 332760 or Email: democratic.services@medway.gov.uk

Date: 15 January 2014



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উইলা 331780	गुजराती 331782	ਪੰਜਾਬੀ 331784	کوردی 331841	اردو 331785	Русский 332374
中文 331781	हिंदी 331783	Polski 332373	একুশংকা 331786	فارسی 331840	Lietuviškai 332372

Responses received to consultation through website and reply forms posted or handed in to Council independently				
Address/ Organisation	Opinion	Comments	Suggested changes	Council response
City Way	Strongly disagree	Paving the runway will lead to an increase of air traffic as more planes could be landed in all weathers these planes. Landing in all weathers could also be an increase of crashes and as the area is heavily populated. This would be a massive disaster if a plane came down onto a building or a road. Also heavier planes could be landed which will be an increase of noise	Leave the runway as it is	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Pattens Lane	Strongly disagree	Aircraft using runway 02/20 pass over my house at quite a low level. Using your figures, that means some 24,500 movements a year. Quite often they circle passing overhead a number of times. In the summer, it is often impossible to hold a conversation in my garden because of the noise. The proposal for 50,000 movements, all using 02/20 means the number of aircraft flying over my house will more than double. Again, using your figures, 500 movements a day in summer implies one every two minutes over an 16 hour period. I am afraid that the noise pollution under the proposed plan will be unbearable, even given that some aircraft will be able to rise more quickly from the concrete airstrip.	Reduce the maximum number of flights	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.
MAIN ROAD, COOLING, ROCHESTER	Strongly support			Noted.

Common Road, Blue Bell Hill, Chatham	Strongly disagree	My safety as there has been a number of accidents with the aircrafts over the years, so more planes more accidents. The value of my property will go down with planes flying over at all times and in larger volumes. Noise pollution at the moment it is unbearable at times so it will only get worse.	The application withdrawn.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. No evidence has been produced to support a negative impact on property values.
Chieveley Drive	Support	As there will be no facility to mitigate crosswinds then careful planning will required to limit turbulence An improved access, especially from the North, would help boost the airfields image I am very much in favour of this proposal. Moving the cafe/facilities towards the entrance and in view of the runway would attract more members of the public to the airfield with subsequent increase in usage and potentially new airfield users without the encroaching on the operational area. As a pilot whose home airfield is Rochester I am very much in favour of the plan. The airfield is need of a long term plan if it is going to improve and, therefore, attract incoming interest and income. The hard runway would aid all weather flying without encouraging the noisier, heavier aircraft. Having most of the "industry" and access to the West would reduce the effect of the increased road traffic. All in all an acceptable compromise.	I note that consultations are to be included at the planning stages.	Noted.
King George Road, Chatham	Strongly disagree	Can you tell me how the elderly residents are going to benefit		The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.

Eagle Close	Strongly support			Noted.	
Prospect Place	Strongly disagree	There is absolutely no need for this proposal.	Scrap the whole idea. It is a complete waste of public money. To spend £4 million on this 'play-boy' idea is the height of stupidity, but as this council is renowned for wasting public money I guess that anything I say will be a complete waste of my time. This "dynamic" council opposed any idea of a proper airport within about 50 miles yet suddenly wants an airport of its own to prove some sort of a point. To expand this airport would be a complete travesty of justice. If you have the power to stop it, please do so. Let the people who want it, fund it, but definitely not out of the public purse.	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.	
MAIN ROAD, COOLING	Strongly support			Noted.	
Romney Road, Walderslade, Chatham	Strongly support	A very well thought out proposal that I back for the future of Rochester Airport and Medway regeneration.		Noted.	
Fallowfield	Strongly support	Its good to see something positive happening with Rochester Airport at last. It can and should be a great asset to Medway.		Noted.	
	Strongly support	As a younger user of the airfield, I wish to show my support of the Masterplan and potential developments of the airfield. Without the airfield and those who run it and use it, I would not be as close as I am to my career goal of commercial pilot. I believe the future of the airfield is important to the local people as well as those using the airfield or working at the airfield.		Noted.	

		Although it is a shame to lose runway 16/34, keeping and improving runway 02/20 is very important. I strongly agree with the extra access points to the airfield as it will encourage local people/outside visitors to the airfield and facilities. In addition, the bus stops are a great way to encourage people from slightly further away to use airfield or easily gain access to the new areas of employment. I approve of this page as it outlines many of the issues and questions that local people will ask. In particular the aircraft using the airfield, as naturally people outside of aviation do not have the understanding of aircraft performance and hence need the assurance that airliners or jets will never be able to operate from Rochester, even with a concrete runway.			
Caldew Avenue	Support	Good ,but why build on part of the land when there is other land available	Noted.	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.	
Business - Bailey Drive, Gillingham Business Park, Gillingham	Strongly support	"Smaller but better" is a sensible compromise. Medway benefits from having a local airport in terms of communications and attracting visitors. It also provides a base for 70+ aircraft, many operated by local business people. The plan seeks to preserve this while releasing land for job creation. Medway Aircraft Preservation Society has an international reputation for restoration of our aviation heritage (much of which originated from this site) and desperately needs to enhance its facilities. This plan provides for this and the retention of a parallel grass runway suitable for	Noted.	Plans provide for improved facilities for MAPS and increased public access.	

		use by vintage aircraft. Current public access is poor. The plan would improve this and help build a tourist attraction. Non flying members of the public would be able to view movements, educate their children and visit the MAPS Heritage Centre.			
Business - Chapel Road, Smallfield, Surrey	Strongly support	I fully support these proposals in that it will provide a much-needed all weather hard runway. Pilot training which in some case may lead to a future as an airline pilot are very necessary if the UK is to maintain a supply of future pilots from this country, otherwise it is likely that most will be from outside the UK where training is much cheaper and supported by better facilities that allow continuity without big gaps due to unusable runways. Furthermore there have been in the past a number of fatal accidents where the aircraft has failed to gain flying speed due to the soft nature of the ground and has crashed. The lower rolling resistance of a hard runway also means that the aircraft gains height quicker thus reducing noise disturbance as well as giving the pilot more time and scope to deal with any problems. A hard runway is desperately needed in the SE corner of England and those living near West Malling may well regret their opposition to continued aviation where they now have housing and a massive industrial estate.			Noted.
Business - Maidstone Road Chatham Kent	Strongly support	Support for the 25 Year Lease Support for the Major Improvements to existing facilities Support for a new home for MAPS Support for the new parallel paved runway Would prefer to keep 34/16 runway	Use another company, more user friendly site, to gain more information		Noted.

		keep 34/16 runway Support junction improvement to airport, Holiday Inn etc Against using Surveymonkey, very poor website.		
The Platters, ME8	Strongly support	The council are quite right to up grade the old buildings, after all they belong to the council and should not be allowed to become dilapidated. The airfield suffers from being unusable during wet periods when the runways become too soft and to use them would leave ruts when they dry out. Currently the wear can be spread out using the relief runway but that is limited. It is however important to retain a grass strip for aircraft that cannot use a hard surface or require good piloting skills to use one. Equally it will be very useful for some types with small wheels to have the option to use a hard runway and would otherwise not consider landing at Rochester. As an occasional user of the airport facilities (aircraft is based on a grass farm strip near Paddock Wood) it would be an advantage to use Rochester during winter months when our grass strip is unuseable. As a Medway resident who originally learnt to fly at Rochester in 1971 I am very much in favour of the Medway towns having an airport. It does bring employment to the towns - consider would the Range have come to Dockside if the owner could not fly into 'our' airport! There have been several offensive letters to the politically biased local rag accusing the council of providing facilities for the rich. Of course there are flyers with a bob or two, just like in a marina or on the roads with expensive cars but the truth is many aircraft are worth no more than a private car which all supports the industry. Small aircraft such as those found at Rochester are often owned by groups to share the cost, some,	None, the plan has got it right.	Noted.

		like mine are built and maintained by the owners and modern engines are quiet and efficient returning fuel consumption similar to a small car - but at 100mph!			
Granville Road, Walmer Kent	Support	Noise management	Planning condition giving power to RAL to manage noise	The planning application process will consider environmental impacts, in accordance with national and local policy requirements.	
Campleshon Road, Rainham, Gillingham	Strongly support	There will be an increase in road traffic primarily due to the proposed Business Park and also resulting from the housing development on the site of the former Mid Kent College which will significantly outweigh any increase in traffic due to operations at Rochester Airport. Any other plan which closes the airport and permits the whole area to become industrial or residential would further increase traffic in the area. Maidstone Road, Rochester, B2097, will require upgrading to handle access to the Business Park, as it is already dangerous. The safety of the airport will increase as a result of the proposal. None of the incidents that have occurred since 2000 has caused any risk to persons or property outside the limits of the airfield and comments made by persons or groups to that effect are totally unjustified. The Civil Aviation Authority and the Air Accident Investigation Board remain very happy with the operation of Rochester Airport and favour the addition of a paved runway as significantly enhancing capability. Rochester Airport has recently been awarded the "Best Aerodrome" Award by the Aircraft Owners' and Pilots' Association, underlying how the operators treat all aspects of airport operations, with a significant emphasis on safety. The road improvements identified will be necessary primarily to handle the increase in traffic that result from the change of use of the	Medway Council should quantify the impact of traffic flows for the three alternatives: (a) no change, (b) as proposed and (c) full closure with change to industrial or residential use. Medway Council should highlight the fact that safety of aircraft operations will increase as a result of the proposed developments. Medway Council should quantify the impact of traffic flows for the three alternatives: (a) no change, (b) as proposed and (c) full closure with change to industrial or residential use. Medway Council should identify the environmental improvements resulting from the proposal. Medway Council should clarify the relationship between MAPS and Rochester Airport Ltd and the proposal for an Aviation Heritage Centre, and emphasise the advantages of an Aviation Heritage Centre as part of the plan. Medway Council should add requirements to ensure that planning policies can be maintained to prevent the whole area becoming a run-down business area, as is happening generally throughout the country. Medway Council should identify and add the benefits of an operational Rochester Airport to	Noted. See information in Cabinet report. A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures. Plans provide for improved facilities for MAPS and increased public access.	

			areas identified as A and B and also from any additional developments in areas D, E and F that are not related to the operation of Rochester Airport. Maidstone Road, Rochester, B2097, will also require upgrade between Bridgewood Roundabout and the point identified by Junction Improvement 3, as this stretch of road is already very dangerous. Many of the facilities at Rochester Airport are life expired and replacement by more modern facilities will reduce operating costs, maintenance costs and power consumption. Improved facilities should also attract more owners. Many of the existing buildings contain what are now prohibited materials, e.g. asbestos, lead-based paints. Although the Medway Aircraft Preservation Society welcomes visitors to see restoration work in progress, it foresees a trust being established to create an Aviation Heritage Centre as part of the longer-term developments at Rochester Airport. Such a centre was proposed several years ago, including independent assessment of the benefits to Medway and Kent that would result. MAPS would operate closely with the trust, centre and airport, to the benefit of all parties. North Kent has an unbroken history of aviation from the earliest days of the Short Brothers on the Isle of Sheppey, through two World Wars to the current BAE Systems operations; much of this history has involved Rochester in particular. I appreciate the words that have been used regarding buildings, included frontage, height, use and parking. It is essential that even if buildings are built to meet these requirements, they are maintained to a similar standard, and the usage cannot be downgraded. Guarantees regarding safe heights for airport operation must	the Masterplan.	

		be contractual. The value of the Rochester Airport as an asset to Medway is not fully explained, but the Masterplan tends to concentrate on the redevelopment of the north-western section of the airport as a Business Park. A paved runway with less likelihood for the airport being closed during wet weather could lead to the increased use of air taxis making it easier for multi-national companies to operate in the area. BAE Systems, in Elliott, Marconi and GEC days, used to operate their own or hired air taxis directly from Rochester for that purpose.			
Mansion House Close	Strongly support		Safer aircraft operations especially in winter months The old hangers and buildings are showing their age		Noted.
Business - Blue Chalet Ind Pk, London Rd, West Kingsdown	Strongly support		I am totally in favour of the proposed developments at Rochester Airport		Noted.
Business	Strongly support				Noted.
Business - Broadlands	Strongly support		As a local resident and pilot, I support the airfield development, especially the proposed hard runway (the current grass airfield is often waterlogged in the winter). The airport has long historical links to the area, and it is great news that its future is assured. As a local manufacturer supplying aerospace, we	What a shame we cannot retain Runway 16/34 too! It is a powerful force for good in the community, and extremely useful for BAE, Helimed, Police, Network Rail, and local industry.	Noted.

		believe that Rochester Airport is a vital local asset.			
Business - Calico House Plantation Wharf, SW11	Strongly support				Noted.
Cloisterham Road, Rochester	Strongly disagree	I strongly disagree with the masterplan because: There is No evidence that this Medway Council has considered alternative options for the future use of the airfield land for Medway and North Down's residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be NO protection whatsoever for Medway and North Down's residents from the Environmental Protection act 1990, Noise Act 1996 or statutory laws to control or prevent noise nuisance and pollution from a commercialised Rochester airport. The masterplan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values. It will severely impair the quality of life for thousands of Medway and North Down's families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools,	Medway Council should scrap the masterplan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection for residents through to development with green space and leisure Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively advantages and disadvantages for each option. The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the ME postcode area) to choose their favoured option for Medway Council adoption and implementation	See responses to pre-printed text.	

		(within 1600 metre radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling Carbon Emission footprint in blatant disregard to Government carbon emission reduction targets.			
Wildman Close	Strongly support				Noted.
Shirley Ave	Strongly support				Noted.
Business - Bonham Drive, Eurolink Industrial Estate, Sittingbourne	Strongly support	I use Rochester Airport for both business and leisure flying. As a business with customers and suppliers throughout Europe I find Rochester Airport ideally placed to serve my needs. I can fly to Germany, France, Holland and Belgium in just a few hours and return again the same day without all the delays and long check in procedures at airports such as Gatwick or Stansted, it is also more cost effective for me to fly from Rochester allowing me to invest more money in my business and continue to employ staff. A tarmac runway would make the airfield much more commercially viable enabling me to fly more frequently. Rochester Airport is steeped in aviation history. It is such a shame that the plan does not include a small museum/educational/ visitors centre. Chatham Dockyard celebrates our seafaring heritage. I would argue that Rochester Airport has the same important status as that of the Dockyard albeit on a much smaller scale.			Noted.

Dickens Close Langley Maidstone	Strongly support	The plan represents a good and viable way forward to preserve and protect the aviation facility (which provided a vital start in the profession for me and many other local people). In addition it is of immense recreational benefit, with significant business benefits also. In addition it makes Medway practically unique in the South East in terms of offering this facility.	It would be good to see 16/34 retained from the aviation and amenity standpoint.	Noted.
Teston Road, Offham, Kent.	Support			Noted.
Manor Lane Terrace	Support	You need to determine which side of the hard runway the grass runway will go - it is shown in 2 different places! The destruction of rwy16/34 will reduce the airport availability on many occasions due to prevailing wind conditions Junction on East side of airport MUST be improved - ? a roundabout? Rebuilding of the infrastructure - particularly the hangars - is an urgent priority		Noted. A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures.
	Support	I think the plan is generally good, but not lifting some of the planning restrictions or allowing business aircraft to use the new facilities could limit the income and long term viability of the airport. GPS or instrument approaches should be included	Loosen the planning to allow more commercial traffic	Noted.

School Lane, Bapchild, Sittingbourne	Strongly support	We strongly support the improvement and upgrading of the airport facilities. Rochester Airport has recently received a national award from AOPA for 'Best Aerodrome' 2013 for friendly, helpful service so modernisation of the buildings and infrastructure will encourage even more visitors. We strongly support the proposal for a new aviation development to include MAPS as this will provide improved heritage facilities for visitors		Noted.
Carvoran Way	Strongly support	I support the develop as I believe a 'city' or conurbation the size of the Medway Towns should take pride in all its assets, not just Cathedrals and parks great as they are but should have some civic pride in keeping the towns alive with proper skilled workforce (like we used to have through aviation related activities/jobs. I can not think that Southampton, Bournemouth or Newcastle would even consider closing their airports. Should be designed to be user friendly and inviting.	If all goes ahead jobs (and revenue to pay back the council investment will result in more traffic congregating at the flyover. This will need to be developed or improved. With a Heritage centre in place, the airport should be linked to the open top bus tours and possibly events such as the sweeps festival, transport festivals at the dockyard etc	Noted. A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures.
Business - Littlebourne Road, Canterbury	Strongly support	Is the runway alignment wrong i.e. 16/34?	20/02	Noted – annotation to be reviewed.
Radleigh Gardens, Rochester	Strongly disagree	I strongly disagree with the masterplan because: There is No evidence that this Medway Council has considered alternative options for the future use of the airfield land for Medway and North Down's residents as a whole which do not exploit	Medway Council should scrap the masterplan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection for residents through to development with green space and	See comments made to pre-printed response form text.

		or endanger the lives of thousands of families and their enjoyment of life. There will be NO protection whatsoever for Medway and North Down's residents from the Environmental Protection act 1990, Noise Act 1996 or statutory laws to control or prevent noise nuisance and pollution from a commercialised Rochester airport. The masterplan is financially unsound without a huge increase in commercial and leisure air activity. It will severely impair the quality of life for thousands of Medway and North Down's families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools, (within 1600 metre radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling Carbon Emission footprint in blatant disregard to Government carbon emission reduction targets.	leisure. Medway Council should scrap the masterplan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection for residents through to development with green space and leisure.	
	Strongly support			Noted.
Business - Harestone Hill Caterham	Strongly support	As an airport user it is a good compromise. The loss of one runway is more than balanced by the far greater use of the other once it has a hard surface encouraging far greater use of the whole Airport facility for all local businesses than has been available before, and should significantly		Noted.

		increase business and employment in the area.			
Business - Rochester Airport, Maidstone Road, Chatham	Strongly support	A modern airport will bring people from all walks of life into Medway which can only better all who live and work in Medway.			Noted.
Rochester Airport, Maidstone Road	Strongly support	The Blue shaded section is obviously a concern for us. I believe the only answer to improving the access issue is installing another roundabout outside the Holiday Inn.	Allow us to develop our site, as I believe we are also an important part of the airfield's structure.		Noted. A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures.
Upper Grosvenor Tunbridge Wells, Kent	Strongly support	Please note I visit the airport with my children. If there were updates to improve the site as a family it would be very beneficial. We love the family days out they organise with the Holiday Inn hotel. We would also bring more custom to the airfield if it was updated. I hope you will invest time and money into this airfield, it really is a great place to go.			Noted. Plans provide for improved facilities for MAPS and increased public access.
Maidstone Road, Chatham	Strongly disagree	Rochester Airport LTD having enjoyed the lease on the airport for 14 years have failed to make any improvements to the airport. They are a company of very little substance and little capital backing. Public money will be squandered on this proposal.	Provision of new "greenfield" recreational hard surfaced airfield on low value isolated land on the Isle of Grain. To be operated as a non profit making members co-operative. This to be funded by development of the whole of the present publicly owned airfield site. Spending of £4 million of public money on the very safety challenged existing site at a time of stringent public expenditure cuts is very questionable to the point of being misfeasance with public money.		The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.

Business - Rochester Airport	Strongly support	My business is growing and with the airport expansion I could move into bigger premises and employ several additional staff.		Noted.	
Sutton Heights	Strongly support			Noted.	
Kit Hill Ave	No opinion	Who is to pay for this development? Will funds be raised by increasing Rates? What costs are to be met by the airport users? Will all the costs be met by the airport users? How long will it take?	Details showing where the money is coming from. I should not have to be required to pay towards the cost of improvements for a facility that is not, I believe, for the general ratepayer.oving a facility that I do not use and few of the users pay rates to Medway.	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.	
Hallsfield Rd	Strongly disagree	There is No evidence that this Medway Council has considered alternative options for the future use of the airfield land for Medway and North Down's residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. The masterplan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values. It will severely impair the quality of life for thousands of Medway and North Down's families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the	There will be NO protection whatsoever for Medway and North Down's residents from the Environmental Protection act 1990, Noise Act 1996 or statutory laws to control or prevent noise nuisance and pollution from a commercialised Rochester airport. Medway Council should scrap the masterplan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection for residents through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively advantages and disadvantages for each option. The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the ME postcode area)	See comments made to pre-printed response form text.	

		concentration of air traffic onto a single runway heightens the danger for 18 nearby schools, (within 1600 metre radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling Carbon Emission footprint in blatant disregard to Government carbon emission reduction targets.		to choose their favoured option for Medway Council adoption and implementation	
	Strongly support	Overall, well thought out and good to see support for aviation activities by a council. Aviation brings huge input to the local economy.			Noted.
Horsted Way	Strongly disagree	I strongly disagree with the masterplan because: There is No evidence that this Medway Council has considered alternative options for the future use of the airfield land for Medway and North Down's residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be NO protection whatsoever for Medway and North Down's residents from the Environmental Protection act 1990, Noise Act 1996 or statutory laws to control or prevent noise nuisance and pollution from a commercialised Rochester airport. The masterplan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values. It will severely impair the quality of life for thousands of Medway and North Down's families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools, (within 1600 metre radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling Carbon Emission footprint in blatant		Medway Council should scrap the masterplan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection for residents through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively advantages and disadvantages for each option. The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the ME postcode area) to choose their favoured option for Medway Council adoption and implementation I commend to the Council, and particularly the Conservative Councillors, the philosophy of the management guru Peter Drucker (1909- 2005) who advocated the following first rule in decision making – "one does not make a decision unless there is disagreement". In other words, unless there is sufficient disagreement during consideration of an issue there can be no serious discussion and no realistic decision can be reached. . Decision-making involves choices between various courses of action, comparison between the alternatives, and an evaluation of	See comments made to pre-printed response form text.

		disregard to Government carbon emission reduction targets. What changes (if any) would you like to see to resolve these comments? The fact that the entire Conservative Councillor membership is supporting this plan with not a single dissenting voice gives rise to serious concern and suspicion. Conservative Councillors are claiming that they are simply supporting their party's manifesto pledge of some 13 years ago. This is based on a false premise. The Conservative pledge was "to protect Rochester Airfield". Nowhere in the manifesto is there any mention of closing down one runway, building on a third of the site, or turning the airfield into a commercial airport. Far from "protecting" the airfield the Masterplan quite blatantly redefines it - potentially endangering the lives of local residents, and causing a negative environmental impact. For democratically elected Councillors to unanimously adopt a "party" line without question is neither democratic nor sustainable. This Council has adopted some very questionable planning proposals in the recent past against strong public objections. These include the much maligned Chatham Bus Depot and the new development at Horsted Park. I urge the Council not to add Rochester Airfield to the list of planning disasters.	the outcome. The Rochester Airfield Masterplan proposal sadly lacks all of the above. I therefore recommend that the Council rejects the Masterplan and returns to the drawing board.	
The Street, Preston Canterbury Kent	Strongly support			Noted.
The Laurels	Strongly support			Noted.

London Road, Faversham	Strongly support	This development would be a major contribution to the infrastructure of Medway. The overall benefits far out way any critical comments A hard runway, as proposed, would be more environmentally friendly, more efficient, and more productive.		Noted.
St Williams Way	Strongly support			Noted.
Pilgrims Way	Strongly support	Support - This location is a key part in aviation history and ever effect should be made to develop this site. I feel it is a shame to lose part of the open area to other development but safe guarding the future must be included. Over development Review other locations for such large industrial development.	I feel the area as a whole is over developed, with huge buildings been erected. This includes the building down the length of Chatham Rd etc. By developing further on the site with such large industrial size buildings the whole location will appear as a large industrial site, not what any resident wants to see on their doorstep.	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. Open aspect and key views over site will be retained.
MAIDSTONE ROAD, CHATHAM	Strongly support	Please expedite the actions proposed in the plan I fully support the proposals The Plan makes for a great improvement and facilitates the continuation of aircraft preservation. I support the proposed changes to site access	I would like to see a definite plan to house MAPSL in a more modern facility and to accommodate the projected Medway Aviation & Heritage Centre, as a revenue-earning tourist attraction of value to the whole of Medway. It is wrong to suggest that the Airport Plan is for the benefit of a few. With the right positive attitude, everyone will benefit, especially the local taxpayers. I fully support the intention to provide an Airport that Medway can be proud of whilst seeking to improve the economy and employment potential of the area. Replacement of aged buildings very much at the end of their useful life is a necessary and welcome part of the plan.	Noted. Plans provide for improved facilities for MAPS and increased public access.

Grange Road	Strongly support			Noted.	
Faversham	Support			Noted.	
Rectory Road, Beckenham, Kent	Strongly support	Excellent plan - and long overdue		Noted.	
Crowhurst Rd. Borough Green, Kent	Strongly support	This will be of great help in the winter months when often the grass is waterlogged. However as an operator of a tail wheel aircraft we are better suited to grass. Developing the North West part of the airport will therefore hinder us when there are strong cross winds. The development must be restricted in height to prevent turbulence in strong winds. The new Tarmac runway must be connected to the apron area.	Research required to compare with other similar developments. An increased taxiway system to prevent bottle necking	Noted.	
City Way	Strongly disagree			Noted.	
Woodville Gardens	Support			Noted.	
Business - Nathan Way	Strongly support	Rochester airport is extremely important for our business and the hundreds of jobs associated with our manufacturing business. A hard runway at Rochester will improve the operating base for our aircraft which has already benefited our	From my experience you would be better off with smaller industrial units with flexible "in and out" leases	Noted.	

		company, Headcorn is not an alternative			
ME17	Strongly support	Access from the airport to the B2097 would be useful, if only as an exit. No mention in Economic Development of the Leisure potential, which the current short term lease is holding back.	Examination of the leisure potential and economic benefits	Noted.	
	Strongly support	Good idea to keep the airport as an airport - not any other use Good move to generate own income to support the redevelopment Good for educating children on the history of the area and the importance of planes in history		Noted.	
TN15	Strongly support	Very necessary		Noted.	
Victorian Heights	Strongly support	Highly desirable to keep the airport functioning in the winter Closure of 16-34 - undesirable	But maybe a necessary evil to allow progress	Noted.	
The Queen Mother Court	Strongly support			Noted.	
	Strongly support			Noted.	

Prince Avenue	Strongly support	I believe that it does not go far enough. Area F on the maps could be also utilised for Industrial with the Aviation Facilities hangars, Control tower etc being redeveloped In the Area along the Eastern side of the airfield backing on to the Hotel and Toys r us.		Noted.
	Strongly disagree	A poorly thought-out plan which does nothing to sustain the long term aviation prospects of the aerodrome. A single hard runway with no hard parallel taxiway is a huge oversight and safety issue. Rather than build industrial units, why not build a large apron and hangars instead? Support aviation, not the back pockets of city boys who deal in property.	Reject entire plan or develop the aerodrome for direct aviation use only.	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.
Mayfair Gardens	Support			Noted.
Business - London Road Newington Sittingbourne	Strongly support	I agree entirely I approve the need to increase the value of the Airport site as a public asset. This will far outweigh the investment planned. The Plan makes for a great improvement and facilitates the continuation of aircraft preservation. I agree especially the improved public access. I agree and welcome the attention to detail I think this points the way towards an Airport which befits such an important Unitary Authority.	Please act as soon as possible I would like to see a definite plan to house MAPSL in a more modern facility and to accommodate the projected Medway Aviation & Heritage Centre, as a revenue-earning tourist attraction of value to the whole of Medway. It is wrong to suggest that the Airport Plan is for the benefit of a few. With the right positive attitude, everyone will benefit, especially the local taxpayers. Reference could be made to the dilapidated state of the 1930s buildings, which are well overdue replacement.	Noted. Plans provide for improved facilities for MAPS and increased public access.

Sussex Drive, Walderslade, Chatham	Strongly support			Noted.	
Business - Rochester Airport	Strongly support	It is imperative to allow the airport to be overhauled to bring it in line with other airports and airfields. Rochester airport is in a prime position to attract many visitors and business alike. The infrastructure of Rochester Airport ideally place it onto the European stage with train stops for Eurostar and easy access from London for visitors. The historic town of Rochester provides a very welcoming backdrop to the airport where hotels, activities and history play a huge part in supporting the other. I am very much for the possibility in creating further work possibilities for younger people as well.	None, I would like to point out that all your hard work will see the airport and the surrounding area revitalised. Your slogan smaller but better is very apt as with all those improvements the airport and area will not only generate a lot of interest but also be looked upon as an area and airport to invest in. The stability of a 25year lease is very attractive to outside businesses and workforces.	Noted.	
Sheldwich Lees, Kent	Support	Loss of second runway, will restrict facilities available to pilots Both potential development area to East of site seem to remove the current outside parking area available to aircraft who are not hangared. Concerned about taxiing to the dominant runway 20. Presumably there will be a grass taxiway along eastern edge to avoid having to backtrack runway. If not need to backtrack would severely restrict movements and increase waiting time and therefore costs to resident pilots.	As long as funding is ensured to build the hard runway, it is a fair exchange. Were the hard runway to fail, residents would have lost out in many ways. There needs to be space available for those aircraft. Not just what is currently the relief parking area (outside Holiday Inn) but somewhere with access (the current area has adjacent parking) Ensure that there is enough space between new grass runway and Toys R Us corner to allow safe clearance to 20 threshold.	Noted.	
ME5	Strongly support			Noted.	

Boreham Airfield	Strongly support			Noted.	
Beaulieu Rise	Strongly support	Nice to see development at last, and the creation of jobs		Noted.	
Rainham Rd	Support	In general the plan to revitalise Rochester airport is to be highly commended. However the investment by the council in this invaluable Medway Towns asset is long overdue and should be made in the infrastructure (buildings and runway) as soon as possible. It should not be dependent on the development of part of the whole airfield.		Noted.	
Business - Woodstock Road	Strongly support	The masterplan seems well thought out and necessarily addresses several questions. In the context of traffic I am sure that the level of road traffic caused by the airport will not change significantly because of these changes and that the current level of traffic due to the airport is very minor when considered in relation to through traffic and traffic going to the nearby hotel, retail parks and supermarket. The attraction of a high quality general aviation facility which is proposed is significant to a high proportion of entrepreneurs. It is likely that the proposed facility will help to add to the attraction of the area when business owners make decisions on where to locate.		Noted.	
Cobbs Close, Watlingtonbury	Strongly support	This is what the City of Medway and its residents have been waiting for, for years. Every major conurbation needs a proper airport. The provision of a year-round, hard runway will attract yet more business to the area. This MUST go ahead.	None, it's just right	Noted.	

Pixton Way, Croydon, Surrey.	Strongly support			Noted.	
Haredale Close	Support	Will there be extra noise as a result of the aircraft landing on a hard surface? A gentleman came round saying planes had hit his trees and his neighbour's chimney	Will planes need a shorter landing area as the result of the concrete runway? Will it be safer?	Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. The CAA advises that paved runways are safer.	
The Ridgeway	Support	I would support this plan provided adequate provision is made for wildlife.	Suggest removal of the B2 area to the south and its restoration to woodland. A lot of trees have been taken out of this area in recent years, it would be good to put some back.	Noted.	
Ballens Road, Lordswood, Chatham	Strongly support	Fully support the proposals being made by Medway Council		Noted.	
Cromwell Terrace	Strongly disagree	Don't sell the runway	There's plenty of brown building space available in Medway, I don't think it's necessary to sell off one of the runways. And since it's an airfield site, building's heights would presumably have to be restricted so any development potential is limited. Lay the parallel concrete runway - fine. Refurb or rebuild older buildings - fine. But just GO build ELSEWHERE.	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.	
Sussex Drive	Strongly disagree	The land may be owned by the council but the businesses on it are private. I object to taxpayers money being spent to benefit private businesses at a time when public services are being cut.	Spend the money on public services (which is what it is raised for)	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.	

CHALFONT DRIVE RAINHAM	Strongly support	THE LOCAL NEGATIVE OBJECTIONS IGNORE THE OVERALL STRATEGIC BENEFIT TO THE IMAGE OF MEDWAY		Noted.
Coverdale Close, Walderslade	Strongly support			Noted.
	Strongly disagree	Don't agree with Medway spending any money on this project whilst cuts to other services are made Do not agree with paved runway.		The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
	Strongly support			Noted.
Wemmick Close	Strongly support			Noted.
Wemmick Close	Strongly support			Noted.
Purbeck Road	Strongly support	I would like to reduce the number of air movements allowed per annum to 40,000 from the proposed 50,000 I would like to further restrict the opening times	Start operations from 8.00 during the summer months and 8.30 during the winter months with certain exemptions but not a general exemption for aircraft based at Rochester Airport	See information in Cabinet report. The Masterplan will be revised to cap annual flight movements below levels already experienced.
Wemmick Close	Strongly support	Pleased to see commitment to enhance the heritage and public airside facilities increasing public access and usage alongside the key aim of safeguarding and creating further employment opportunities at the high end of the job spectrum.	To ensure the employment ideals are not compromised by warehousing and delivery yards.	Noted.

Haig Avenue	Support	Potential junction improvement (No 4) is a good idea, but further road and traffic light/junction improvements along the Maidstone Road (A229) needs urgent consideration.	Consideration needs to be given to the new housing estate at Horsted and the proposed siting of a Fire station in the old Park and Ride car park area, and at Davis Estate and Horsted Retail Park round about. The need for traffic lights that work to keep the traffic flowing up and down the main Maidstone Road most of the time, but then stop that traffic should cars wish to exit Davis Estate or the Retail Park. These considerations need very careful thought as with more people moving into the Horsted housing site something needs to be organised. Whatever is considered I feel needs to be in place before the developments begin for the airport.	A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures.
Watling Street Gillingham Kent	Strongly support	As a user of the airport it will be nice to see it develop and prosper. The airport is very helpful to the sqn providing facilities. The development will ensure their continued presence and hopefully allow the area to prosper.		Noted.
Radleigh Gardens	Strongly disagree	Your summary of the previous consultation does not suggest that there was an overwhelming support for the proposed new runway. People were happy to see the MAPS facilities improved and for additional employment opportunities but they did not say that they agreed with the changes to the runways. You state that more information was requested. This does not suggest support. A 25 year lease means that the council will have no control of what is happening to this area for this length of time. The plan says that there will be the creation of a paved runway. Residents were not given the choice about whether they wanted this. What about the environment. Once the land is paved the area will have lost the grass and the wildlife which relies on it. You state that you are unable to give any details	More alternatives need to be offered for the site not a focus on the runway changes. Your plan currently focusing on the runway changes. A shorter lease period to allow greater control. Keep grass runways only. Provide a draft outline of the proposed airport. Keep grass runway and keep smaller aircraft using the airport and keep the number of flights to the current level. Keep only privately owned aircraft, do not allow any commercial aircraft. Keep the number of flight movements to current levels.	The planning application process will consider environmental impacts, in accordance with national and local policy requirements. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Further information to be provided at planning application stage. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will

		of the new airport. How can we as residents make any informed decisions until we know what the airport will look like. You say that there will be an increase in air movements and show larger aircraft than currently use this airport. For the leaseholder to make money they are going to use these larger aircraft. This is going to increase the noise pollution of residents which are under the flight path, which includes myself. Am I going to be compensated for this. My safety is going to be compromised with more flight movements, my noise pollution levels are going to increase and therefore my health will be affected as well as the possible value of my home. When I purchased my house 20 years ago I was aware and happy for the small local aircraft to fly over my house but not the larger Caravan plane shown. You say that you expect that the main flights will be for leisure. That could mean anything. Flights to Le Touquet with a branded airline can be classed as leisure. You say that the new airport will be safe but with more flights there will be an increase in the possibility of a crash. Only last week there was a crash at the airport. You say that land will be available for development as the result of one paved runway. Where is the feasibility study for a technology centre. You have not developed area D yet and this could provide employment as it was previously industrial land so would be no change of land use. The other areas you are proposing are currently grassed areas. What about the environment? This area is going to lose its current character of grassland and its associated wildlife as most of the area will be either paved runway or buildings.	Only build on area D. Keep grass runways only and not pave, reduce building to only land which is currently designated for industrial use. Drop this plan totally and offer REAL options for residents to be consulted on.	contribute to the management of noise. Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements.

		Looking at the map on this page, very little land is left to grass. Most is either paved runway or buildings. I have more comments to make but your form does not allow for this. The way in which this has been presented is very biased. It is presented as a done deal with only lip service paid to resident consultation. We have been offered no alternatives and the presentation assumes that the paved runway is going ahead. A more in depth consultation should be presented to affected residents offering REAL alternatives.			
Broomhill Road	Support	Keep the airport as it is with one runway tarmaced			Noted.
Cloisterham Road, Rochester	Disagree	If there are increased flights or size of aircraft it will make it extremely noisy for local residents, as it is the noise ruins many a sunny day		Stay as it is/reduce noise/avoid take-off over housing	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Davy Court, Rochester	Strongly disagree	No return on investment argument, No rational reason to subsidise £4.4m on airport improvements, airport is not commercially viable, money better spent on purely commercial/job/business related activity, airport is not sustainable investment with peppercorn rent charged by Council		Business park should continue but no subsidy for recreational airport; no concrete runway	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
Blenheim Avenue	Strongly disagree				Noted.

Blenheim Avenue	Strongly disagree	WE KNOW THAT THIS IS CUT AND DRIED AND WHAT EVER YOU SAY YOU WILL DO I WAS AT THE FULL COUNCIL MEETING AND I DID NOT BELIEVE A WORD THAT JANE CHITTY OR ALAN JARRET SAID THE COUNCIL HAVE KILLED CHATHAM, NOW THEY WILL KILL THE AIRPORT	IF YOU HAVE TO ASK YOU SHOULD NOT BE DOING THIS GET THEM TO REPRESENT THE PEOPLE THAT VOTED THE COUNCILORS IN	Noted.
West Drive	Strongly disagree	WE DON'T NEED MORE FUEL SMELL OR NOISE, SOME DAYS SPENT IN THE GARDEN HAVE TO BE HALTED DUE TO THE HOVERING HELICOPTERS AND THE SMELL OF FUEL. SLEEP SOMETIMES SPOILT BY NIGHT FLYING.	RECREATION FACILITY FOR YOUNGSTERS AND US OLDIES...PARK LAND WHERE WE CAN WALK AND FEEL SAFE...A PARK TO CELEBRATE THE BIRTH OF THE ROYAL BABY A LEISURE AREA.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
	Support			Noted.
Pattens Place	Strongly disagree			Noted
Radleigh Gardens	Strongly disagree	This panel depicts the masterplan as a 'fait accompli' and assumes that the scheme will go ahead with mere lip service to the residents affected. There should be a far deeper consultation into what development should take place. This should have been done BEFORE a Masterplan was presented to the public. Much of this panel can only be conjecture. With an input of investment from private companies, who need to make a profit to survive, it is unrealistic to make statements on the projected air and road traffic. Frankly, this 'consultation' exercise is simply an	Dropping of the current Masterplan and a full public consultation on the wishes of the residents and businesses of Medway. Stop making things up using dubious statistics. A proper consultation and discarding of ridiculous response forms such as this - it is too rigid and could quite easily allow my comments to go unheeded because they do not conform to the system create. Unfortunately, I think that's deliberate.	See information in Cabinet report. Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.

		insulting sales puff for the Masterplan. All through it makes the assumption it will go ahead with the support of most people, albeit with a few tweaks. Furthermore, this Response Form is biased to the Masterplan because it pushes respondents to comment solely on the panels. I have a huge objection to the Council leasing land that belongs to all of us to private companies, injecting £4 million into the scheme while cutting staff in services. Councillors responding to petitions and emails in a dismissive manner (presumably believing it is the work of a pressure group and I have no mind of my own) and the disgraceful non-appearance at the 'consultation' of any Councillors to answer these questions. My home and family will be directly affected by these developments for 25 or more years, and the money spent could provide residents with facilities and services to enhance the well-being of residents and communities.			
Wilson Avenue	Strongly disagree	The plan is financially unsound without a huge increase in commercial and leisure air activity	The range of options should be offered through a Public Consultation for Medway residents and those neighbouring Tonbridge and Malling within the ME postcode area to choose their favoured option for Medway Council to adopt and implement Please listen to residents Discuss and listen to residents Listen to residents	Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements.	
Wilson Avenue, Rochester	Strongly disagree	Council has constantly referred to the survey held in 2003 which unanimously asked for the airport to be retained. True, but the issue it was referring to was 'close the airport completely and redevelop totally against the retention of a "green space" airfield. As a resident of thirty years living under the flight path of the 20/02 runway I would at that time had no preference detailed in the survey, indeed I was not consulted	A personal survey on a door-to-door basis to ascertain the opinions of all residents living under the flight paths and adjacent areas explaining in an unbiased format what is proposed on the site and the implications both for and against. On the Shirley Way roundabout a full set of traffic lights are needed to manage this very busy	Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements. A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures.	

		as I was considered to be too far away to be affected by any changes as proposed. However, now that the proposals are for a change of use that do affect me I am seriously concerned on several fronts, yet there has been no formal approach to me in any form by the council regarding any changes in use at the airport. To say that the previous survey in 2003 gave the green-light of the public opinion for the change is completely wrong. It has been stated "there will be no appreciable increase in the vehicle traffic along the A229 to the east of the airport". The two major junctions in the form of a roundabout at the junction with the retail-park and Shirley Avenue and the junction with City Way at the site of the old college to the north of the site are already heavily congested and subject to minor traffic incidents on an almost daily basis. This coupled with the residential development of the old college site which will in itself generate more traffic flow along with any projected development to the west of the airport will vastly increase flow levels. The Shirley Way junction is a constant source of incidents where vehicles for whatever reason run into the barriers on the northern quadrant , only time will tell before a pedestrian is involved ! There is no sign on any plans indicating what road changes are being considered to deal with these issues, is it a case that wait and see? How many peoples lives will be seriously affected before the council implements some serious road traffic management to deal with this situation ! The implementation of the concrete runway plan and its benefits are welcome to me in that it will decrease take-off length therefore allowing planes to start their climb earlier and reducing noise locally. If this is one of the main benefits why then are the proposals to lengthen the runway in place? To the lay-man this indicates that larger aircraft can be accommodated resulting in more noise pollution etc. The council	junction. On the college/city way junction a further set of lights to manage vehicular movement into and out of Pilot View onto what is already a difficult and busy junction. Leave the existing runway 20/02 at its existing dimensions. Find out if any private investors would be interested in contributing to the council to finance this project.	There are no plans to lengthen the runway . The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.

		have constantly stated that there is no plan for any larger aircraft to use the facility at the what will be a greatly enhanced site so why provide for larger aircraft for now or in the future. Whilst I agree that the council is responsible of the wellbeing both commercially and financially of the area I find it irresponsible of them to contemplate the spending of a considerable amount of money in a financially difficult time on a project that will at best give a minimal return over a long period of time. The major beneficiary would seem to me to be the airport operator who is being reward for a less than mediocre operation with a major injection of public monies with no real consultation of the hard pressed taxpayers of Medway			
ME5	Disagree	An expansion of the use of the airport is obviously sought, but up to 500 movements a day! This means every 1.5 minutes which is busier than Heathrow. Up to 1000 jobs to be created. Even though it is envisaged that public transport and cycling will be encouraged, it could mean at least 500cars journeys at peak times. This to be concentrated on just 2 roads, the A229 and, more concerningly, the B2097. With all this potential industrial development the houses in the triangle of land, from the airport to the Bridgewood roundabout, will become very isolated. As the boxes do not expand as you type, it is difficult to retread what you have said,	A daily cap put on the number of aircraft not just an annual cap. Consideration over the type of aircraft using the airport. The gyro copters can be very annoying as they hover over the gardens waiting to land. A rethink of access as the B2097 is a busy road now, from the Bridgewood roundabout down to Laker Road it is very narrow, no room for cycle lanes, and unlimited. Please, at least consider, putting a speed limit on this section. Should the caravan park become an industrial site the traffic situation would be worse. Has thought been given to their future...possible purchase to industrialise the whole area?	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures.	
Maidstone Road	Disagree	Safety of ALL low flying aircraft I want Medway Council to present a range of options for the future of the airfield land which do	Retain the aircraft to that which is currently permitted. Detailed information on air traffic control systems	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of	

		not endanger the lives of local residents or their enjoyment of life. Safety of ALL low flying aircraft	currently in use and what is proposed to manage the inevitable advent of aircraft capable of carrying 12 or more passengers.	larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
		The residents must be allowed through public consultation to choose the final option for the airfield rather than the current dictatorial single option approach of Medway Council, which is totally unacceptable	Interference from radio transmissions be detailed indicating likely disruption to residents	The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced.
ME19	Support.	I support the proposals for the redevelopment of Rochester Airport to safeguard it's future and promote sustainable development.		Noted
Concord Avenue Chatham	Disagree	I am unhappy to note that aircraft movements will be increased. It is bad enough at the moment. The paved runway will be even closer to the housing that it there at the moment. If a paved runway means shorter take off times, why is the runway longer? I note that much of the development area lies within the boundaries so most of the business rates will be going there (assuming they actually pay them!!!) So how will the Council recoup its costs!!!	No comment. No comment. No comment.	There are no plans to lengthen the runway. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Innovation Centre	Support	Interested to discuss hangar / building opportunities		Noted.
Wilson Avenue, Rochester	Strongly Disagree	I do not agree with the Rochester Airport Masterplan. It endangers people's lives and unfairly burdens residents living close to the airfield. The plan should not be approved.	Listen to the residents	The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced.

Appleby Close	Strongly Disagree	Why continue with an airport in this location? Increased movements will lead to more noise and risk The exhibition is so woolly around protecting the environment from noise	Develop an airport on a new site + Develop existing site as Green Space and High Tech Do not move forward with this plan. Put a study in place with recommendation before considering signing a new lease.	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The planning application process will consider environmental impacts, in accordance with national and local policy requirements.	See comments made to pre-printed response form text.
City Way, Rochester	Strongly Disagree	I do not agree with the Rochester Airport Masterplan. It endangers people's lives unfairly burdens people's lives living near the airport and I'm sure it would de-value my house and if it does I would be seeking compensation. Therefore in my opinion the plan should NOT be approved. There is no evidence that Medway Council has considered alternative options for the future use of the airfield land for Medway and North Downs residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be no protection whatsoever for Medway and North Downs residents from the environmental protection act 1990, noise act 1996 or statutory laws to control or prevent noise nuisance and pollution from commercialised Rochester airport. The master plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impaired quality of life for thousands of Medway and North Downs families	Medway Council should scrap the master plan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection from residents, through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively Advantages and disadvantages for each option. The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the M E postcode area) to choose their favoured option for Medway Council adoption and implementation		

		for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets. Do not build it - noise, safety, traffic			
Highview Drive	Support	Aircraft movements - Increase of nearly 50% unacceptable - How long will cap last? Cont. Place all access/egress on Rochester Maidstone Rd to reduce already busy traffic flow. Potential for dedicated (wide) cycle lanes, excellent idea to extend around periphery	Dreadful increase in noise/irritation/vibration to homes - particularly helicopters	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures.	
Berkeley Close, Rochester	Strongly Disagree	It is wrong to take green space of which is already part of the airport and create a concrete runway for larger planes Leave the airport as it is! In general!	Leave airport as it is. The council already get business rates from the organisation that took parts of the airport.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Open aspect and key views over site will be retained.	
Wilson Avenue Rochester	Support	Use the 'Tiger Moth' roundabout for access to the airport by taking a road behind the retail complex and hotel. This would relieve the need for access on the A249 coming south and the congestion on		Noted.	

		this road. I believe the overall plan for the airport and vacant land will improve the town and produce employment to the area.			
Radleigh Gardens, Rochester	Strongly Disagree	Strongly disagree with spending £4 million pounds of OUR money to develop airport which could potentially be used for commercial purposes		Leave it all as at present. £4 million in this day and age is a disgrace, merely to benefit the few privileged lucky enough to have a plane.	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Maidstone Road	Strongly Disagree	I consider this to be no more than a land grab.		Abort the plan.	Noted.
City Way, Rochester	Strongly Disagree	No noise boundary mapping shown Putting in proposal to potentially overburden residential areas without firstly investigating and informing residents of the worst case scenarios of quality and enjoyment of life effects could AND WILL result in significant compensation claims! Especially if property sales and market values are in any way detrimentally affected.		Immediate noise boundary mapping using actual noise management as per Heathrow/Gatwick etc.	The planning application process will consider environmental impacts, in accordance with national and local policy requirements. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.
City Way, Rochester	Strongly Disagree	No Noise mapping boundaries shown for largest anticipated aircraft No predicted aircraft movement figures? Increase percentage of planes I do not agree with the Rochester Airport		Noise Mapping is important Noise Mapping ahead of Thursday's council meeting. What hours of operation are envisaged?	The planning application process will consider environmental impacts, in accordance with national and local policy requirements. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will

		masterplan. It endangers peoples lives and unfairly burdens residents living close to the airfield. The plan should NOT be approved. Specific Info on what cargo new larger (twin turbo) planes will be carrying Council putting in proposal to potentially overburden residential areas without firstly investigating and informing residents of the worst case scenarios of quality and enjoyment of life effects could and will result in significant compensation claims.	contribute to the management of noise.
Highview Drive		50 % increase in aircraft movements - not acceptable. Also this includes the use of microlights and helicopters. Traffic increase in and out of the facility.	I think that the aircraft movements should remain the same with the helicopter and microlight flights being directed towards the M2 Motorway where they would not be an intrusive as they are at the present time. I think that the entrance to the airport and surrounding areas in the masterplan should be made from Laker Road/B2097. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
City Way	Support	Can the proposed runway be funded from other means and so not lose areas "A" and "B" to development Have no problem or comment, providing the further development is built to the same standard as the Innovation Centre. Now Standing. May lead to "development" providing subject to trees are kept and a safe entrance way on to Rochester - Maidstone Road can be formed??? The traffic flow at peak times on to City Way has traffic queues of some length now so any traffic increase will compound the problem. "NO DEVELOPMENT" on area "A" or "B". To be	Noted. A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures.

		kept green/open space of airport.			
Reed St, Cliffe, Rochester		I am firmly in favour of any innovations which will attract business/employment/visitors to the Medway Towns. As and when details become available, I shall be eager to find out about any employment opportunities associated with the developing airport.			Noted.
City Way, Rochester	Strongly Disagree	The proposed paved runway suggests to me that it will be used for commercial activities, under the umbrella of a taxi service. I live 350 metres from the end of the subject, on City Way, the flight path will direct every aircraft over my property, in forty years I have rarely seen a Spitfire, Cheyenne, Socata, caravan, or the number of aircraft you are claiming currently use the airport		The grass runways to remain in place for private aircraft use only, the numbers and type of aircraft claimed to be using the airfield in the future would create noise pollution beyond what would be acceptable to our household	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Thorndale Close, Chatham	Strongly support	Blue colour site A - the plan would be a lot better if this site was still used as it is at present for a second runway for aircraft use		That sites B, D and E be used for employment and development in lieu of site A and also develop the area on the other side of the B2097 in lieu of lost area between M2/B2097	Noted.
Toddington Crescent		Planes frequently fly over our property. They are noisy*. They are pollutants and our health and safety hazard. The airport should be (a) closed or (b) made to confine flights to Medway Council jurisdictions and avoid Tonbridge and Malling Council areas! Today (1st August) has been a nightmare of constant antiquated aircraft overfly the house like Norton motorbikes with wings		*Check noise abatement Society. Check friends of the Earth regarding pollutant hazard	The planning application process will consider environmental impacts, in accordance with national and local policy requirements.
Wilson Avenue, Rochester	Strongly support	Control tower - at present this is poorly sited as the south westerly view is blocked by main hangar		Control tower to be resited so controllers have full review of all aircraft landing and taking off from runway 02/20	Noted.

Wilson Avenue, Rochester	Strongly support	From Rochester and Chatham Access is via the Bridgewood roundabout	A new roundabout constructed at the Innovation Centre access for easy access to airport, Innovation Centre and Holiday Inn hotel	Noted.
Amethyst Avenue, Chatham	Support	Bearing in mind the new fire station, Horsted Park and the new employment area(s), which would roundabout will be intolerable as will the roundabout fronting Marconi Wway. There is no mention of this in peak times	Congestion could be eased by providing access parallel to the proposed runway area. Access to City Way and which would in particular needs are very serious consideration. Access from City Way to Rochester Maidstone Road is essential to ease congestion. The roads across the Davis Estate will be rat runs.	A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures.
Park Crescent	Strongly Disagree	There is no evidence that Medway Council has considered alternative options for the future use of the airfield land for Medway and North Downs residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be no protection whatsoever for Medway and North Downs residents from the environmental protection act 1990, noise act 1996 or statutory laws to control or prevent noise nuisance and pollution from commercialised Rochester airport. The master plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impaired quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets.	Medway Council should scrap the master plan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection from residents, through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively Advantages and disadvantages for each option. The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the M.E. postcode area) to choose their favoured option for Medway Council adoption and implementation Scrap the airport Scrap the airport and use our money to better use Leave things alone – no airport wanted	See comments made to pre-printed response form text.

		Not to go ahead Not To go ahead scrap the whole idea			
Bedwin Close, Rochester	Strongly Disagree	There is no evidence that Medway Council has considered alternative options for the future use of the airfield land for Medway and North Downs residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be no protection whatsoever for Medway and North Downs residents from the environmental protection act 1990, noise act 1996 or statutory laws to control or prevent noise nuisance and pollution from commercialised Rochester airport. The master plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impaired quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets.	Medway Council should scrap the master plan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection from residents, leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively Advantages and disadvantages for each option. The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the M E postcode area) to choose their favoured option for Medway Council adoption and implementation	See comments made to pre-printed response form text.	
Hallsfield Road, Bridgewood, Chatham	Strongly Disagree	We have lived here and been actively interested in the airfield since 1965. My husband and I strongly disagree with any of these proposals	Everything - please leave masterplan as it is None	Noted.	

The Ridgeway, Chatham	Strongly Disagree	There is no evidence that Medway Council has considered alternative options for the future use of the airfield land for Medway and North Downs residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be no protection whatsoever for Medway and North Downs residents from the environmental protection act 1990, noise act 1996 or statutory laws to control or prevent noise nuisance and pollution from commercialised Rochester airport. The master plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impair quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets.	Medway Council should scrap the master plan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection from residents, through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively Advantages and disadvantages for each option. The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the M.E. postcode area) to choose their favoured option for Medway Council adoption and implementation Traffic (road) research to assess the impact of increased traffic and any suggested improvements	See comments made to pre-printed response form text. A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures.
Innovation Centre Medway, Maidstone Road, Chatham	Strongly support	I am in favour of the regeneration of the airport, which is an excellent facility for the area and the redevelopment will give more potential to the area without any real change to the local area	Noted.	
Cloisterham Road, Rochester	Strongly Disagree	There is no evidence that Medway Council has considered alternative options for the future use of the airfield land for Medway and North Downs residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be no protection whatsoever for Medway and North Downs residents from the environmental protection act 1990, noise act 1996 or statutory laws to control	Medway Council should scrap the master plan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection from residents, through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively Advantages and disadvantages for each option. The range of	See comments made to pre-printed response form text.

		or prevent noise nuisance and pollution from commercialised Rochester airport. The master plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impaired quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets.	options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the M E postcode area) to choose their favoured option for Medway Council adoption and implementation	
Business	Strongly support	With reference to the masterplan for Rochester Airport, I would like to register our interest as pilots who regularly use this airfield. Air Search is an organisation that supplied pilots and observers entirely free of charge to the emergency services for Kent and other local authorities. We frequently fly in and out of Rochester, working with KCC Resilience Forum and other emergency services such as RNLI, the Coastguard, Search & Rescue and the Maritime Volunteer Service. Rochester is very important to our operations and we are more than grateful for the support we receive from Kelvin Carr, the Airport Manager, and his staff. As an organisation we wish to support the airport and the plans for the improvements and alterations to the airfield, which we feel can only be of benefit to all concerned. For your information, we have between 40 and 60 pilots and observers in London and the south east, many of whom regularly use Rochester		Noted.

Faraday Close, Rochester	Strongly Disagree	There is no evidence that Medway Council has considered alternative options for the future use of the airfield land for Medway and North Downs residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be no protection whatsoever for Medway and North Downs residents from the environmental protection act 1990, noise act 1996 or statutory laws to control or prevent noise nuisance and pollution from commercialised Rochester airport. The master plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impaired quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets. I do not see 30,000+ flights per year from my house position in flight path. I believe many flights are across retail, Buckmore Park and in Bluebell Hill direction, Which direction will new runway go? Strongly against if traffic flow over residential area How can residents claim for loss in value of house? I have asked politely by email - no response! Why? Overall seems if local opinion is irrelevant and decision is political and already decided. Will be interested to see voting numbers by party, which	There is no evidence that Medway Council has considered alternative options for the future use of the airfield land for Medway and North Downs residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be no protection whatsoever for Medway and North Downs residents from the environmental protection act 1990, noise act 1996 or statutory laws to control or prevent noise nuisance and pollution from commercialised Rochester airport. The master plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impaired quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets. Severely question 35,000 movements per year and therefore 50,000 take off / landing direction specified as towards / from M2 direction	See comments made to pre-printed response form text. See information in Cabinet report on aircraft movements. No evidence has been produced to support a negative impact on property values.

		will say it all			
City Way, Rochester	Support				Noted.
Wilson Avenue, Rochester	Strongly Disagree	A runway 3000 ft long by 80ft wide will take some massive planes, I understand that USA are designing STOL Planes to land on this length that take up to 100 people Why are you using the short runway to metalize? It will direct flights over the most populated area Bringing all flights will increase the traffic flow over the populated area 2 fold plus with a cap of 50,000 manoeuvres per year - so much annoyance Flights from 7am to 7.30pm stated in one document but there have always been flights coming in after that time . 10pm at times and helicopters How much are you going to depreciate my house value by - £30k plus perhaps? A large aircraft flew in last week very loud - when it took off south away from me I could not believe it was actually an aeroplane I had to go into the garden to see if something had blown up. Now and again the excess of noise is OK but to have it on a continuous basis I can only say NO! With only one runway and a cross wind how are the small aircraft going to land? They won't like flying to another airfield, such as Headcorn	A shorter runway and less wide on both runways 2 x 2500 ft would cost the same amount Use the longer runway to metalize, you will not have to pull down the hangars with the extra cost of new hangar The Council will need to save a lot of money to cover the claims that will be made against them. People near me are already talking about the cost of solicitors and fighting funds Do not upgrade the runway at all - leave it as it stands I have been told that people like buying houses near airports, 'yes' that's because they are so cheap to buy The small aircraft will give up using Rochester leaving it to the larger aircraft, revenue from landing fees will fall and the airport will close Do not build a runway. Reduce the Council Rates then make the airfield into a public park	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. No evidence has been produced to support a negative impact on property values. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. The planning application process will consider environmental impacts, in accordance with national and local policy requirements.	

Wopsle Close, Rochester	Strongly Disagree	From what I understand you have spent £400,000 of Council money on this plan and you want to spend £4 million of Council money on a runway Occasionally we have had fumes from unburnt fuel as the aircraft fly over. Also the occasional smut on our washing. It happens very rarely so it's not worth making a fuss about. More planes, more pollution, claims will start for the inconvenience of it. Many times I have seen planes struggle at take off. You can see the pilot is searching for a suitable landing spot before the engine roars into life again. Sometimes planes completely disappear from view before popping up into the sky again. I hate to imagine how low they get. Most fields near us are now built on so I suppose the landing place will be City Way if they have a problem. OK for small planes but what about the larger new planes? A friend of mine whose house will now come directly under the new flight path as intended has now sold the house and is moving out of Rochester before the value of the house is blighted by the new one runway operation. They believe that the council will not change the intention of this runway, having spent so much money.	Medway Council should scrap the master plan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection from residents, through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively Advantages and disadvantages for each option. The range of options should be offered through a public consultation for Medway residents and those in	See comments made to pre-printed response form text.

		plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impair quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets. Increased noise and decreased safety for local residents	neighbouring Tonbridge and Malling Borough Council (within the M.E. postcode area) to choose their favoured option for Medway Council adoption and implementation	
Robin Hood Lane, Bluebell Hill, Chatham	Strongly support	I am an aircraft operator, not at Rochester, who may bring his business to Rochester if conditions, hard runway etc prove suitable. The document is too much of a planners document with minute details of triviality while not appreciating, in the sense of underestimating, the amount of business that a well designed hard runway airport could bring. Similarly regarding conservation; manicured boulevards are shown where existing and encouraged undergrowth, such as indigenous trees and bushes could be allowed to flourish, e.g blackberry bushes growing along the boundary fencing and an RSPB sponsored grass cutting programme in the large areas in the centre of the airfield. No reference to the aspect of inclusion in Europe. Meaning accessing EU part funding for at least but not limited to, the runway. Lacks emphasis on improved usage and resultant wealth creation by the airport itself. No reference to conservation or wildlife. Perhaps an	A wider scope, background and imagination behind the author team. Find someone with experience of accessing EU funding. The form filling may appear tiresome but could be very worthwhile Provision and recognition for visitors, business and tourists using the airport as an entry / point of departure from the Medway towns. Also provision for public viewing of movements. Break the planners mindset and include a positive statement re nature and wildlife conversation. At the expense (and cost saving) of manicured lawns and fancy lines of trees. Any screening of the buildings along the boundary should be on the A side of the boundary. The buildings immediately next to the boundary should be limited to a single storey. The bank should be reduced or eliminated and a safety barrier installed along the boundary instead (possibly, ideally, hidden by undergrowth	Noted. See information in Cabinet report on proposed changes to draft masterplan.

		over emphasis on the MAPS, as, although important, it is but just another airport user without day to day need for runway access. Re single runway safety. The plan shows a bank shielding the view into the new business area A. (TPS) Following any goven rules can in itself be a danger. Such a bank and any buildings above one storey height, immediately alongside the boundary at A will cause changes and blustery wind effects when the prevailing wind is in certain, cross wind conditions. The close proximity of such a bank will increase turbulence and hence difficulty for landing and take off traffic and, in extreme, if a wing tip was tot ouch the closely placed bank a ground loop could / will ensue.. This will cause the opposite wing to lift up and the aircraft to slew towards the bank, possibly lifting over it. It is not understood by the general public, nor perhaps planners, just how far an aircraft can travel away from the runway if even a small thing such as a wing tip touch onto a bank occurs The plan underestimates the amount of business the airport would attract from aviation related businesses, such as maintenance business, different from and not part of the airport operator's service. The hard runway 02/20 is show at its north end, elsewhere p17, with just a widening for turning with none on the map shown on page 9. Either way the TPS plan is totally inadequate The min statement in 3.7 is incorrect, as the 16/34 runway will be closed. As stated on page 6 there is expected to be no appreciable increase in road traffic due to the airport changes. So why change the main entrance layout? It is perfectly suitable and any 'congestion' from the innovation centre will occur at any site where employees	- see comment re wildlife conservation Make provision for this in area A by arranging wide gated and hard access to A from the hard runway such that aircraft may be towed into A immediately adjoining maintenance, painting or other facilities The northern end of hard runway 02/20 needs to have a loop placed such that aircraft can safely sit outside the runway markers awaiting either permission to take off (operations towards the south) or to hold awaiting other aircraft to land before back tracking the runway after landing (operations towards the north). This will considerably improve the utility of the airfield to 'normal', otherwise operations will be hamstrung by the continual delays needed for single aircraft to either backtrack after landing on 02 or taxiing out to take off from 20. A loop able to hold three or four aircraft will enable aircraft to be taxied and to be handled in batches. Many airports I have used use this type of arrangement. An alternative, at greater cost, would be to place a hard taxiway back to the apron along the boundary of Toys R Us and Homebase (see following comment / suggestion) Do not change the main entrance. It is actually attractive and adequate as it is. Further there is suggestion in the document to develop around the entrance area. This is totally wrong, particularly a reference to a 'drinking establishment' area 'F'. Drink whether drink and drive or drink and fly are totally to be avoided / discouraged within the airport and airport entrance. There are adequate places nearby in the Tiger Moth pub and local hotels. Area 'D' would be a good location for MAPS with a showcase site alongside the main road but accessible to the airport facilities. Leave the entrances along Laker Road until a	

		leave at around the same time. There are some rather pc silly statements in this but some need attention and comment. E.g. why have a transport assessment when the current B2097 has non existent footpath and cycle ways along a large part of this route? The footpath up to the A220 beside the old college site has no means to cross the road ahead. So a TA, although job creating in itself, could create significant increased cost for the larger scheme when the extent and form of the businesses which will use the business areas is as yet totally unknown. In particular the figure 5.2 on page 22 shows no understanding of the mathematics of traffic flow (where the shortest distance to a destination is not necessarily the shortest in time) The only mention of public access is briefly in 1.4. A public viewing area, without the necessity to but food in a café, is important to tomorrow's youth. Encouragement for the young and not so young to just view the comings and goings of the airport its a vital aspect that needs to be seriously addressed There is opportunity here by simple and sometimes cost saving ways to encourage wildlife by allowing hedges and bushes, many already in place, to thrive and avoid the above referenced manicured grass and lines of unnatural trees. A grass cutting schedule referred via the RSPB cold help save the skylarks and lapwings once profuse in the airfield. There used to be a red backed shrike living in / near Area B the BAE Systems car park. There is no danger to aircraft if unwitting driving into flocks is avoided. If larger airports can do this so can Rochester. Stansted has an award for its wildlife conservation measures and Brest Airport in Brittany has an area of grass between the main runway and taxiway set aside where corncrakes nest without decimation by inappropriate grass	true understanding of need is established. Re Fig 5.2, A traffic light controlled access will disrupt the flow along A229, already extremely busy. The additional traffic for the airport from the north, as now and with added signage, will easily find its way around under the fly-over roundabout. Thus no further constriction to A229 flow is necessary or need occur. So the Fig. 5.2 disruptive and delaying traffic lights / crossing are a major No Say, an area in the eastern tab of area F. Car parking at the back for viewers only, grass and a suitable fence.	

		cutting			
Estelle Close, Rochester	Strongly Disagree	There is no evidence that Medway Council has considered alternative options for the future use of the airfield land for Medway and North Downs residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be no protection whatsoever for Medway and North Downs residents from the environmental protection act 1990, noise act 1996 or statutory laws to control or prevent noise nuisance and pollution from commercialised Rochester airport. The master plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impaired quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets.	Medway Council should scrap the master plan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection from residents, through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively Advantages and disadvantages for each option. The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the M E postcode area) to choose their favoured option for Medway Council adoption and implementation	See comments made to pre-printed response form text.	
Wemmick Close, Rochester	Strongly Disagree	There is no evidence that Medway Council has considered alternative options for the future use of the airfield land for Medway and North Downs residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be no protection whatsoever for Medway and North Downs residents from the environmental protection act 1990, noise act 1996 or statutory laws to control or prevent noise nuisance and pollution from	Medway Council should scrap the master plan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection from residents, through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively Advantages and disadvantages for each option. The range of options should be offered through a public	See comments made to pre-printed response form text.	

		commercialised Rochester airport. The master plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impaired quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets.	consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the M E postcode area) to choose their favoured option for Medway Council adoption and implementation	
Sir Evelyn Road, Rochester	Strongly Disagree	We don't want it built!		Noted.
Lordswood Close	Strongly Disagree	There is no evidence that Medway Council has considered alternative options for the future use of the airfield land for Medway and North Downs residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be no protection whatsoever for Medway and North Downs residents from the environmental protection act 1990, noise act 1996 or statutory laws to control or prevent noise nuisance and pollution from commercialised Rochester airport. The master plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impaired quality of life for thousands of Medway and North Downs families for at least 25 years through increased air	Medway Council should scrap the master plan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection from residents, through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively Advantages and disadvantages for each option. The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the M E postcode area) to choose their favoured option for Medway Council adoption and implementation Don't build it	See comments made to pre-printed response form text.

		pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets. Built up area too close Too much, it is bad enough now	Don't build it		
Chatham Grove	Strongly Disagree	There is no evidence that Medway Council has considered alternative options for the future use of the airfield land for Medway and North Downs residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be no protection whatsoever for Medway and North Downs residents from the environmental protection act 1990, noise act 1996 or statutory laws to control or prevent noise nuisance and pollution from commercialised Rochester airport. The master plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impaired quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets.	Medway Council should scrap the master plan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection from residents, through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively Advantages and disadvantages for each option. The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the M E postcode area) to choose their favoured option for Medway Council adoption and implementation Don't build it	See comments made to pre-printed response form text. A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures.	

		Too close to houses Too much traffic and more accidents			
Gun Tower Mews	Strongly Disagree	There is no evidence that Medway Council has considered alternative options for the future use of the airfield land for Medway and North Downs residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be no protection whatsoever for Medway and North Downs residents from the environmental protection act 1990, noise act 1996 or statutory laws to control or prevent noise nuisance and pollution from commercialised Rochester airport. The master plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impaired quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets. I don't think it's safe Noise Traffic	Medway Council should scrap the master plan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection from residents, through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively Advantages and disadvantages for each option. The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the M E postcode area) to choose their favoured option for Medway Council adoption and implementation Don't build Don't build Don't build	See comments made to pre-printed response form text.	

Mount Road, Rochester	Strongly Disagree	Safety, Noise, Pollution, Traffic	Don't build it	The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. The planning application process will consider environmental impacts, in accordance with national and local policy requirements. A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures.
Kingfisher Drive	Strongly Disagree	Don't build it		Noted.
Maidstone Road	Strongly Disagree	With amount of aircraft, I don't think it will be safe in a built up area		The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced.
Sturdee Avenue, Gillingham	Strongly Disagree	I do not agree with the airport proposal due to the safety of residents living close by. Rochester Airport's location is a very built up area and the disruption to roads and traffic volume would be huge. The close proximity of houses to the		The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond

		proposed runway puts residents at risk.		levels already experienced.
Littlebourne Avenue, Gillingham	Strongly Disagree	Safety issues with airfield being so near a main road and houses, also BAE Systems Aircraft coming over houses, noisy - wouldn't want the noise / pollution More traffic means higher risk of accidents and pollution	Not to be built Not to be built	The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Achilles Road	Strongly Disagree	There is no evidence that Medway Council has considered alternative options for the future use of the airfield land for Medway and North Downs residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be no protection whatsoever for Medway and North Downs residents from the environmental protection act 1990, noise act 1996 or statutory laws to control or prevent noise nuisance and pollution from commercialised Rochester airport. The master plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impair quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes,	Medway Council should scrap the master plan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection from residents, through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively Advantages and disadvantages for each option. The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the M.E. postcode area) to choose their favoured option for Medway Council adoption and implementation Don't build it	See comments made to pre-printed response form text.

		and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets. too close to residents			
Pear Tree Lane, Shorne	Strongly Disagree	Will cause extra traffic and impact on local journeys - and will cause more pollution in surrounding areas	Do not build it.	A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures. The planning application process will consider environmental impacts, in accordance with national and local policy requirements.	
Holly Road, Wainscott, Rochester	Strongly Disagree	Don't do it There is no evidence that Medway Council has considered alternative options for the future use of the airfield land for Medway and North Downs residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be no protection whatsoever for Medway and North Downs residents from the environmental protection act 1990, noise act 1996 or statutory laws to control or prevent noise nuisance and pollution from commercialised Rochester airport. The master plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impaired quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes, and thousands of local residents from stricken	Medway Council should scrap the master plan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection from residents, through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively Advantages and disadvantages for each option. The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the M E postcode area) to choose their favoured option for Medway Council adoption and implementation	See comments made to pre-printed response form text.	

		aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets.			
Wemmick Close, Rochester		There is no evidence that Medway Council has considered alternative options for the future use of the airfield land for Medway and North Downs residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be no protection whatsoever for Medway and North Downs residents from the environmental protection act 1990, noise act 1996 or statutory laws to control or prevent noise nuisance and pollution from commercialised Rochester airport. The master plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impair quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets. The increase in air traffic will impact on the quality of our life due to noise of larger planes. I believe house values will reduce because of this. Safety is a concern for me. I would like the airport to remain as it is. More planes, bigger planes, more noise, more pollution- surely a recipe for disaster for the locals.	Medway Council should scrap the master plan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection from residents, through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively Advantages and disadvantages for each option. The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the M E postcode area) to choose their favoured option for Medway Council adoption and implementation The Council needs to think again about these proposals and properly consult with local people	See comments made to pre-printed response form text.	

Maidstone Road, Rochester	Strongly Disagree	There is no evidence that Medway Council has considered alternative options for the future use of the airfield land for Medway and North Downs residents as a whole which do not exploit or endanger the lives of thousands of families and their enjoyment of life. There will be no protection whatsoever for Medway and North Downs residents from the environmental protection act 1990, noise act 1996 or statutory laws to control or prevent noise nuisance and pollution from commercialised Rochester airport. The master plan is financially unsound without a huge increase in commercial and leisure air activity. By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values it will severely impaired quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise. Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools (within 1600 m radius), nursing homes, and thousands of local residents from stricken aircraft. It increases Medway and Tonbridge and Malling in blatant disregard to government carbon emission reduction targets.	Medway Council should scrap the master plan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection from residents, through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively Advantages and disadvantages for each option. The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council (within the M.E. postcode area) to choose their favoured option for Medway Council adoption and implementation	See comments made to pre-printed response form text.
Madden Avenue, Chatham	Strongly support	Access to the airport should stay as it is A café would be a good idea	No traffic lights at the junction to the airport A public viewing area should be included as it would encourage people to see the planes	Noted. Plans provide for improved facilities for MAPS and increased public access.

APPENDIX Aii

Comments received in conjunction with reply forms with pre-printed text				
Address	Opinion	Comments	Suggested changes	Council response
City Way, Rochester	Strongly Disagree	Noise, Pollution, Increased airport traffic, property values decreasing, are Medway council going to compensate local residents. We live less than 1000metres from the take off and landing. Every aspect of our quality of life will be affected from hanging clean washing to dry to sitting in our garden, surely we have a right to this.	Keep the existing grass runway. I have no objection to developing the airfield, this is progress and will benefit the local community, affordable housing for young and business opportunity for others. No concrete runway. Thanks.	Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. No evidence has been produced to support a negative impact on property values.
City Way, Rochester	Strongly Disagree	May I say that I have no agenda or financial interest in Rochester airport. I do however have a problem with the 4.4 million pounds to concrete the runway, which would probably escalate to around 10 to 12 million pounds by the time the work is complete. When my own road (City Way) has been resurfaced twice and is still crumbling away, like many other roads in the Medway towns. It also concerns me about the safety of the local residence, not to mention my own property, with the present small aircraft low level landings (which incidentally has been reported to the tower on numerous occasions) not to mention the probability of larger and noisier ones using a concrete runway, adding to more anxiety and pollution. On the subject of money, we have witnessed a complete waste of council tax money with the park and ride, used only once a week with virtually empty buses. The fiasco of the Chatham flyover and the so-called state of art bus station. One the subject of noise, it has now been proposed to build a new fire station hub on the not so old park and ride area, with the inevitability of		The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment

		causing endless siren noise all hours of the day and night, only 100 yards from my house. Therefore, I am opposed to the Masterplan of Rochester airport on the grounds of cost, safety and sanity.		will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.
City Way, Rochester	Strongly Disagree	Already have problems with amount of air activity over my rear garden and at times the noise is unbearable.	The £4 million of taxpayers money will not give many local people jobs. So why spend it? Medway Council seem to think they can use taxpayers money for their ideas and not the public they serve. Note: The public will remember all of this on voting day.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.
City Way, Rochester	Strongly Disagree	Medway Council can't be certain that 1000 new high tech jobs will be created. This is NOT a sustainable amount of high tech jobs together with BAE more will be needed.	Medway Council should look into alternative brownfield sites. Or scrap the plan.	The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.
City Way, Rochester	Strongly Disagree	No more improvements to the airport site that will encourage extra traffic.	Build a new hub airport in the Thames Estuary with new road and rail links to the north, if you wish to achieve anything useful.	A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures.

		jobs/businesses required.			
City Way Rochester	Strongly Disagree	This is a waste of money + does not benefit local residents. At a time when more and more houses are being built this money needs to be invested in schools, hospitals, local doctors, not some playboy playground for a handful of rich individuals who own a plane.	We live in the direct flight path and already experience issues with planes coming in too low. The noise is too much and this plan will have a serious impact on the value of properties. What compensation is being planned for this loss of value!?	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. No evidence has been produced to support a negative impact on property values.	
Collingwood Road, ME20	Strongly Disagree	Noise + Air Pollution Extra traffic in and around airport, already too much due to new estate etc	Look for another site	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.	

Cloisterham Rd	Strongly Disagree	I fully support the comments listed on previous page. (Pre-printed text)		See responses set out.
City Way Rochester	Strongly Disagree	I think it should go to a public enquiry and let the residents decide what happens to the airport	The council should leave the airport alone and spend the money on local schools and homes for the elderly.	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
City Way, Rochester	Strongly Disagree	Unable to do so (comment) as I did not see it (masterplan)		Noted.
Appleby Close, Rochester	Strongly Disagree	I do not believe that the 1000 additional jobs promised by developing part of the airfield will be created. The current innovation centre, though fully occupied has not created many 'new' jobs as most businesses were already located in the area and have only moved in because the offices are cheaper than most others in the area. I am very concerned about the impact any increased usage of the airport will have on the value of my property. Will the Council compensate me for any financial losses i may incur? Will the Council constantly telling taxpayers that they have to cut front line services due to budgetary restraints with the inevitable associated redundancies, the proposed input of £4.4m of Council taxpayers money is a total waste of money. Very few local people will benefit from the development of the airfield and the money would be much better spent elsewhere.		The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. No evidence has been produced to support a negative impact on property values.
Robin Hood Lane, Upper Bluebell Hill, Chatham	Strongly Disagree	Totally disagree with future development site		Noted.
Toddington Crescent, Bluebell Hill Village, Chatham	Strongly Disagree	The Council have made no provision for a swimming pool or any other leisure facilities for residents in the area. Why would a Council spend rate payers money to	A new Council!	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.

		benefit directors of a private company? - Curious?!			
Manor Drive, Ivybridge, S.Devon	Strongly Disagree	We had exactly the same experience with Plymouth airport and it wasted millions of pounds of local money at the expense of the taxpayer. Area too densely populated. Pollution, Noise levels. Total disruption of normal everyday life to thousands of voters. De-valuing of local property.	It should be scrapped. Leave airport as is.	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. No evidence has been produced to support a negative impact on property values.	
Manor Drive, Ivybridge, S.Devon	Strongly Disagree	The same thing happened at Plymouth Airport and shut down. A waste of Local Government money and lack of funds to start with. Don't be silly, as a business person (Ex.Medway man, I travel back and forth, but this plan is short sighted. This for the business man. Travelling to far destinations. Purely to save on TAX (evasion)	Keep AS is and move appropriate size planes to Manston (Invest in other project) Change the site.	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.	
Maidstone Rd, Bluebell Hill Village	Strongly Disagree	Make best use of the existing facility keeping it green (unpaved) and in keeping with existing infrastructure. Local roads etc are at more than capacity. Use the money to improve the M2/Walderslade/Chatham	Council should scrap the masterplan for the safety of residents. If the Council can make jobs. Do it. But not here.	A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures.	

		Junc.		The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. Infrastructure at airport in need of improvements.
City Way, Rochester	Strongly Disagree	How can the Council do all this without more opinion from the residents of Medway? No protection for Medway residents from noise and pollution It increases pollution, the council is not acting for the resident's protection The paved runway overburdens the area with aviation activity to the detriment of the local property values. The Council should have a public consultation with all Medway and neighbouring Tonbridge and Malling Council and all M.E Postcode. A single runway will heighten the danger for schools within 1600 meters and local residents. There will be no jobs and if there was it would only make more pollution and noise.		Consultation carried out to seek views of residents, including households and businesses in TMBC area. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. Air quality impacts to be assessed through planning applications. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. The site has an important value for aviation and

				employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.
Patterns Gardens, Rochester	Strongly Disagree	What about local residents? Motorway accessibility Will be very costly do all	Infrastructure Improve traffic flow to ease congestion None. A lot more thought is needed.	A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
Radleigh Gardens, Rochester	Strongly Disagree	Too much noise already	Close airport altogether	Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.
Radleigh Gardens, Rochester	Strongly Disagree	The noise is intolerable from light planes	No new runway at all. Close the airport!	
Blenheim Avenue, Chatham	Strongly Disagree	I don't want to see any changes in the way that the airport is used now. If there is £4 million of our money going spare, how about spending it on something that will benefit all residents.		The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.

Blenheim Avenue, Chatham	Strongly Disagree	Medway Council should scrap the masterplan and explore a range of options for the future use of the Rochester Airport site from continuation in its current form with protection for residents through to development with green space and leisure.	Scrap the masterplan to develop the site as a large airport.	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Blenheim Avenue, Chatham	Strongly Disagree	They should leave it the way it is. Just small planes. There will be more noise than there is already. Kids cannot play outside.	Scrap the idea.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.
Blenheim Avenue, Chatham	Strongly Disagree	Too much noise and pollution. Leave the airport as it is.	Do not change anything. Leave it for small airplanes, not big ones.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.

Blenheim Avenue, Chatham	Strongly Disagree	I strongly disagree with the master plan and I do not think this airport needs to be enlarged due to air pollution and the noise. There will be no protection from the Environmental 1996 Noise Act and Pollution from commercialised etc Rochester Airport. It increases Medway and Tonbridge and Malling carbon emission footprint, in blatant disregard to Government carbon emission reduction targets. It will severely impair the quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise.	Medway Council should scrap the masterplan The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling Borough Council within the ME postcode area to choose their favoured options for Medway Council adoption and implementation. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively advantages and disadvantages for each option.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. The planning application process will consider environmental impacts, in accordance with national and local policy requirements. Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. See responses to pre-printed text forms.
Blenheim Avenue, Chatham	Strongly Disagree	Keep the airport as it is now. At least we can make use of our gardens at the moment.			
Blenheim Avenue, Chatham	Strongly Disagree	I strongly disagree with the master plan as there will be NO protection whatsoever from Medway and North Downs residents from the Environmental Protection Act 1990, Noise Act 1996 or statutory laws to control or prevent noise nuisance and pollution from a commercialised Rochester Airport.			

		It increases Medway and Tonbridge and Malling carbon emission footprint, in blatant disregard to Government carbon emission reduction targets. It will severely impair the quality of life for thousands of Medway and North Downs families for at least 25 years through increased air pollution and noise.	Medway Council should scrap the masterplan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection for residents through to development with green space and leisure. Any future Medway Council publicity material should not seek to persuade public opinion and only present objectively advantages and disadvantages for each option.	
Blenheim Avenue, Chatham	Strongly Disagree	Do not think this airport is needed to be enlarged	As above (<i>pre-printed text</i>)	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Wilson Ave, Rochester	Strongly Disagree	I fail to see how the plan can improve the quality of life in the local area. The house prices will fall, the noise level will be far higher and cannot see how it will bring in extra money into the local area.		The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. No evidence has been produced to support a negative impact on property values. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.
Wilson Ave, Rochester	Strongly Disagree	It will destroy what we have, noise will be louder. How can extra moneys etc be improved? House prices will be dropped. It will lower what we have.		No evidence has been produced to support a negative impact on property values. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning

				application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.
Wilson Ave, Rochester	Strongly Disagree		Do not/cannot see how it would make a good improvement?	Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. Development impacts to be considered through planning application process. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.
Wilson Ave, Rochester	Strongly Disagree		It will become very noisy and reduce the quality of what we have in Rochester	
Blenheim Avenue, Chatham	Disagree		Explore a range of options	Weigh up advantages & disadvantages.
Wilson Ave, Rochester	Strongly Disagree		What about a rail link to Manston Airport in Margate?	

Wilson Ave, Rochester	Strongly Disagree	Changing everything as it is will be a disaster. The noise level will be terrible for a start!		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Wilson Ave, Rochester	Strongly Disagree	No further improvement	Stay as it is	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.	Airport infrastructure in need of improvements. No evidence has been produced to support a negative impact on property values. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Pattens Close, Chatham	Strongly Disagree	My property value will be affected. My neighbour across the street cannot sell due to the proposal. She has dropped her price significantly and still can't sell. Wastage of council money/taxpayer's money. This smells of council backhanders on profiteering at expense of taxpayers and residents affected. £4-5M would be better spent on crime reduction and more police. My children walk to school and on several occasions have seen stricken low flying aircraft. This masterplan allows for more commercial traffic and increases risk.	Drop the masterplan proposal ASAP. Medway is the densest populated area in south east. Drop the masterplan. Drop the masterplan. The current councils decision on this will affect mine and my extended family and friends voting in future! If this goes ahead.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.

St. Leonards Avenue Chatham	Strongly Disagree	I feel that a wider range of choices should have been presented.	A fresh range of proposals to give residents and other interested parties a genuine say in the outcome.	Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements.
Barling Close, Chatham	Strongly Disagree	When I attended the exhibition, I enquired about the increase in air traffic. I was told it would be negligible which is not the case. I am very concerned about the effect on property prices and quality of life.	Both sides of issues should be fairly represented and my objections should be taken seriously. Clear, specific, financial suggestions to address residents concerns should be made.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. No evidence has been produced to support a negative impact on property values.
City Way, Rochester	Strongly Disagree	As a local resident, I do not agree with the plans to increase the usage of Rochester Airport for larger aircrafts.	To keep the airport usage as it is now.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Primrose Close, Chatham	Strongly Disagree	Leave it as it is	No change at all	Noted. Airport infrastructure in need of improvements.
Wilson Avenue, Rochester	Strongly Disagree	Page 3 - Busier Airport and more noise. My property is under the flight path for the main runway and I already suffer a lot of noise pollution. When 16/34 is closed, I gather the traffic which would normally use that runway will use the concrete runway and all traffic will be over my property. (Mr Carr has confirmed this) If there is an increase in traffic overall the noise will be untenable. Cost Implications. Since the council seem to be cutting back on local amenities I think it is a disgrace that are proposing spending so much money on something that has limited use by residents.	I do not want a concrete runway and would rather the airport was closed entirely since the proposed changes will adversely affect my enjoyment of my home and garden. I would like to see the money spent on facilities for local people.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. The value of the Council's land for disposal will exceed the contribution towards airport

Wilson Avenue, Rochester	Strongly Disagree	Page 3 - Busier Airport and more noise. Having spoken to the airport manager, it was made clear that following the closure of 16/34 the volume of traffic over my property will increase by a minimum of 30-35%. That is assuming no increase in the volume of traffic and as the runway will be used more there will be less days of peace and quiet. I do not find this an acceptable outcome. Cost Implications. It has been reported that the council are expecting to contribute around £4M to this redevelopment. With a budget deficit of over £3M, the closure of local amenities due to the lack of funds. We cannot afford this!!	Do not pave over 02/20. It would be preferable to close the airport completely rather than have to endure potential increase in noise levels.	Improvements, with additional long term value through job creation from new business. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.
Argyle Close, Rochester	Strongly Disagree	The concrete runway will entice more air traffic with larger aircraft than those currently using the airfield. Industrial Park - I have no major objections to this part of the plan. Noise & Safety - Take off will still create more noise for local residents around the airfield. Also pilot error due to crosswinds could be fatal.	An assurance from Rochester Airport Ltd that flight numbers and type of aircraft will not increase above its present level and that assurance be cast in stone at Rochester Cathedral. Improvements to B2027 Maidstone Road surface, lighting and junctions. Also intersection City Way and Chatham Maidstone Road. Obviously less flights and even tougher safety protection measures.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced.

					A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures.
Argyle Close, Rochester	Strongly Disagree	It has been tried before to make Rochester a commercially viable airport and such attempts have failed miserably.	It has been tried before to make Rochester a commercially viable airport and such attempts have failed miserably.		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Argyle Close, Rochester	Strongly Disagree	The new hard runway we don't want as it means more noise for us and pollution. We have enough noise at the moment. It will be awful. New hard runway not good	Keep the same as it is now.		Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. The CAA advises that paved runways are safer.
Argyle Close, Rochester	Strongly Disagree	The new hard runway we don't want as it means more noise for us and pollution. We have enough noise at the moment. It will be awful. New hard runway not good	New hard runway not good		Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. The CAA advises that paved runways are safer.
Maidstone Road, Blue Bell Hill	Strongly Disagree	It would increase noise pollution over my house	No change to present.		Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. The Masterplan will be revised to cap annual flight

					movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Maidstone Road, Chatham	Strongly Disagree	I agree with the use of site for residents' leisure. Focus on parents and children.	Children's play area, activities for children throughout the holidays		The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.
Toddington Crescent, Bluebell Hill Village	Strongly Disagree	Why spend so much money when there are other things needed more ie. facilities for children etc. this airport will only be of benefit to very few people - a massive waste of money!			The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
City Way, Rochester	Strongly Disagree	The airport is not in need of that amount of money The airport has been sustainable for years as it is, why throw money away?	Money would be better spent on other areas of Medway, ie. education, health Just renew the lease as it is without investing £4.5 million of Medway's money		The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
Highview Drive	Strongly Disagree	There will be a huge risk of noise and pollution not to mention the danger of impact on our homes, schools and businesses.	To leave it as it is		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase

					in air traffic beyond levels already experienced.
Maidstone Road, Chatham	Strongly Disagree	I have lived in the Maidstone Road, Chatham since January 1959. Obviously seen many changes during those years	More consideration given to the increase in population in the area - especially pollution from cars, Rochester Airport as it is, at least provides an open green space.		Airport plans will retain open aspect and key views across site.
Maidstone Road, Chatham	Strongly Disagree	We already have enough traffic and sirens in the area without more air traffic. Medway Council seem to please themselves. Listen to the people - nobody wants it. Air traffic at weekends in the summer months is at maximum tolerable noise level Medway Council Serving You? Who actually wants the redevelopment? The local people certainly do not	Leave well alone The Council keep the area very nice and pleasant, which doesn't go unnoticed. Don't waste money and spoil what we have Leave the airfield as it is but create some park areas and greenspaces for local people. There are enough empty units at Gillingham Business Park and Medway city Estate Stop wasting millions of pounds on pointless schemes and do the job you are employed to do.	A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.	
Wilson Avenue, Rochester	Disagree	Lack of thought for local property Financial outlay Cost of running a business at Rochester Airport. The café and MAPS will not be able to afford to operate at Rochester Airport location	Airport to be left same This figure of 4 million plus could be spent more wisely.	No evidence has been produced to support a negative impact on property values. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.	
Maidstone Road, Blue Bell Hill, Chatham	Disagree	Denne area of housing and schools very dangerous	Left as it is		Noted.

Maidstone Road, Chatham	Disagree	The current roads around this area struggle already - this would make it even worse. There is little provision for cycle ways and not even a pavement	Avoid any development that would encourage more cars We don't wish to see further development at the airport	A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures.
Wilson Avenue, Rochester	Disagree	There is no protection for residents from noise nuisance or pollution. Impairs quality of life and devalues local properties		Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. The planning application process will consider environmental impacts, in accordance with national and local policy requirements. No evidence has been produced to support a negative impact on property values.
Wilson Avenue, Rochester	Strongly Disagree	Single runway over 18 schools at a miniscule risk is a miniscule too much. Add in all the family homes and hospice within one mile of this runway is too much risk	Keep both runway as is and spend a small amount on buildings to update	The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced.
Valley View Road, Rochester	Strongly Disagree	Increase in air traffic if this goes ahead. Financially unsound. Just look at Manston and Lydd airports Increase in traffic. Roads are overcrowded now. Increased air pollution and noise	Look at alternatives without the large cost financially to Medway residents Reduce the plan Continue in its current form with protection for residents	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.

				The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. The planning application process will consider environmental impacts, in accordance with national and local policy requirements.
Highview Drive	Strongly Disagree	I object to the runway because I live opposite the airport. The planes taking off and landing would raise the noise level, which would be horrendous. Plus the pollution level over the years, the air traffic would build up		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. The planning application process will consider environmental impacts, in accordance with national and local policy requirements. Airport infrastructure in need of improvements.
Jiniwin Road, Rochester	Strongly Disagree	Leave the airport as it is today (Sept 2013)		
Maidstone Road, Chatham	Disagree	we oppose unsubstantiated growth of aeroplane traffic See previous comments	Rochester Airport to continue to be used for low level activity plus additional leisure and recreational uses	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.

Blenheim Avenue	Disagree	We are concerned about the potential for more noise pollution, as a direct result of more and larger aircraft using the airfield on a daily basis	For the airfield to remain a non commercial airfield	The planning application process will consider environmental impacts, in accordance with national and local policy requirements. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Wilson Avenue, Rochester	Disagree	No consideration for property or safety / noise, the fact that take off and landings will use same direction (one runway) Finance - when the Council has little to no money for general repairs and service If the masterplan goes ahead, private pilots who at present use the airport will no longer be able to afford the cost of flying from Rochester and be forced to go elsewhere.	Keep existing runways (two directions) to spread noise levels to residents Spend up to four million on the infrastructure of the area to improve and keep the airport as it is, with only the necessary maintenance expenditure	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Blenheim Avenue, Chatham	Disagree	Explore a range of options	Explore a range of options	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.
Keefe Close, Bluebell Hill	Disagree	Scrap the plan		Noted.
Wemmick Close, Rochester	Disagree	The concern is that in the longer term the airport will be used for commercial flights. The council's commitment to spend vast amounts on this project imply that a return would have to be of a commercial user nature. The fact that an increase of about 30% of	A resolve from the council that the above will not occur. A commitment that there will be no commercial flights at any time in the future.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.

		movements (as proposed) would necessitate further movements being of a commercial nature.			
Wilson Avenue, Rochester	Disagree	Medway Council should scrap the plan	Expand Stansted or Manston	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.	
Blenheim Avenue	Disagree	We are concerned about the potential for more noise pollution, as a direct result of more and larger aircraft using the airfield on a daily basis	For the airfield to remain a non commercial airfield	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.	
Maidstone Road, Chatham	Disagree	We already have enough traffic and sirens in the area without more air traffic Medway Council seem to please themselves. Listen to the people - nobody wants it Air traffic at weekends in the summer months is at maximum tolerable noise level Medway Council Serving You? Who actually wants the redevelopment? The local people certainly do not	leave well alone The Council keep the area very nice and pleasant, which doesn't go unnoticed. Don't waste money and spoil what we have Leave the airfield as it is but create some park areas and greenspaces for local people. There are enough empty units at Gillingham Business Park and Medway city Estate Stop wasting millions of pounds on pointless schemes and do the job you are employed to do	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.	

The Ridgeway, Chatham	Strongly Disagree	The planes fly over quite low and an increase of noise and pollution is not acceptable		The planning application process will consider environmental impacts, in accordance with national and local policy requirements. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.
The Ridgeway, Chatham	Strongly Disagree	Scrap the plan, prevent noise nuisance Medway Council should scrap the plan and keep it as an airfield not an airport	No changes unless for leisure. Do not commercialise the airfield No changes, leave it as a green space	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Open aspect and key views over site will be retained.
The Ridgeway, Chatham	Strongly Disagree	Scrap the plan, prevent noise nuisance Medway Council should scrap the plan and keep it as an airfield not an airport	No changes unless for leisure. Do not commercialise the airfield No changes, leave it as a green space.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Open aspect and key views over site will be retained. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.

The Ridgeway	Strongly Disagree	The airport to remain as is for light aircraft. Improve the workshops used for restoration of old historic aircraft	Increase access to the public by creating leisure activities making the area a place of recreation. Increase opportunities for young people to become involved in restoration - gaining a skill - providing apprenticeships	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Plans provide for improved facilities for MAPS and increased public access.
The Ridgeway	Disagree	Support keeping the airfield with new buildings onsite		
Maidstone Road	Disagree	There are plenty of sites for industry in Medway all derelict eyesores	Scrap it	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.
Maidstone Road	Strongly Disagree	Too much use of the area		Noted.
Park Crescent, Chatham	Strongly Disagree	What about emergency services if there is an accident. Too near schools etc This is a big joke, all our lives would be in danger with the aircraft flying over these populated areas Leave Rochester alone	Not to go ahead. Use our council money on something more sensible Scrap the idea Leave Rochester alone	The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
Pattens Lane	Strongly Disagree	I do not believe that another hotel on the site would prove to be a profitable venture, as there are 2 existing hotels within a few hundred yards. A premier Inn on the site could severely affect the Holiday Inn and Bridgewood Manor Hotels	Scrap the hotel plan - consider other options!	Operations will be subject to CAA licensing requirements. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in

		New runway layout reduces pilot options for takeoff and landing. Safety margins are reduced in the event of pilot error or mechanical failure. I understand that pilots are concerned about these matters. I feel that the potential for use of new buildings and job creation is overstated. We already have a number of empty business units on the adjacent site The inevitable unexpected increased costs may push up the overall cost of the project by a significant amount. Like HS2 this project may attract the description "a grand folly" and, like HS2, exaggerated claims made for the benefits of the scheme!			Medway.
Main Road, Hoo, Rochester	Strongly Disagree	Scrap this now Move your ideas to Manston which has all you need	Leave Rochester as it is Don't waste rate payers money on this	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.	
Ironside Close, Chatham	Strongly Disagree	Airport not wanted	Leave Rochester Airport as it is	Noted.	
Maidstone Road, Chatham	Disagree	We oppose unsubstantiated growth of aeroplane traffic See previous comments	Rochester Airport to continue to be used for low level activity plus additional leisure and recreational uses	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.	

Maidstone Road, Chatham	Disagree	We oppose unsubstantiated growth of aeroplane traffic See previous comments	Rochester Airport to continue to be used for low level activity plus additional leisure and recreational uses	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Valley View Road, Rochester	Disagree	Increase in air traffic if this goes ahead. Financially unsound. Just look at Manston and Lydd airports Increase in traffic. Roads are overcrowded now. Increased air pollution and noise.	Look at alternatives without the large cost financially to Medway residents Reduce the plan Continue in its current form with protection for residents.	A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The planning application process will consider environmental impacts, in accordance with national and local policy requirements.
City Way, Rochester	Strongly Disagree	The whole inquiry to determine residents' wishes.	Ask residents what they would like, not what the council wants.	Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements.
Jiniwin Road, Rochester	Strongly Disagree	Medway Council have repeatedly ignored the safety concerns raised by residents. Medway Council appear to recognise that the future of the airport should be safeguarded but do not want to safeguard the safety of residents. Accidents do occur and an incident has occurred since the Council meeting in July. The masterplan is not safe and other options should be explored that will safeguard the safety of		The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced.

		residents. Medway Council are evading their responsibility to safeguard the lives of residents and therefore the Mayor and Councillors should be held individually accountable should lives be lost as a result of the implementation of the masterplan. Replace Medway Councillors who do not fully represent residents' views as they clearly do not "serve" the community and are intransigent in their attitude.			
Wilson Avenue, Rochester	Strongly Disagree	This council is endangering the lives of residents for commercial gain. It is about time you thought about the community! No CAA or AAB at the public consultation is a disgrace. Is this council in bed with Rochester Airport Limited? If this plan goes ahead I will never vote Conservative again!	Scrap this plan and start again with full options for the future use of the airfield offered through a public hearing. Scrap this plan and take an objective view for the site, which protects the community and their enjoyment of life. Scrap the masterplan and start again with proper public consultation.	The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements.	
The Ridgeway, Chatham	Strongly Disagree	New runway - Would increase noise and pollution in the area. Decreased house prices and quality of life.		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.	

					No evidence has been produced to support a negative impact on property values.
The Ridgeway, Chatham	Strongly Disagree	It must remain for the public for aviation purposes only Keep it as an airfield, as we won't get another one	Demolish Toys R Us, PC World etc etc, as they are not aviation. Put it all back to an airfield.	Demolish Toys R Us, PC World etc etc, as they are not aviation. Put it all back to an airfield.	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.
The Ridgeway, Chatham	Strongly Disagree	It must remain for the public for aviation purposes only Keep it as an airfield, as we won't get another one	Demolish Toys R Us, PC World etc etc, as they are not aviation. Put it all back to an airfield.	Demolish Toys R Us, PC World etc etc, as they are not aviation. Put it all back to an airfield.	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.
Wilson Avenue, Rochester	Strongly Disagree	I don't want more air activity e.g. noise and nuisance. I feel I would not enjoy my garden so much	Consider alternative airfields	Consider alternative airfields	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Wilson Avenue, Rochester	Strongly Disagree	Concerned that increased air activity heightens the danger of air accidents over our family home and daughter's school No protection from air and noise pollution. What happened to reducing carbon footprint?	Scrap the idea and use the money to put back into the community to make Medway a better place to live. As a young family we feel our main concerns are for the safety and wellbeing of our children and having extra aircraft circling over our home and schools goes completely against this. From Media reports Medway is the worst place to live in the UK. Surely the money that would be going into Rochester Airport would be a lot better spent on making Medway a safer and better place to live	Scrap the idea and use the money to put back into the community to make Medway a better place to live. As a young family we feel our main concerns are for the safety and wellbeing of our children and having extra aircraft circling over our home and schools goes completely against this. From Media reports Medway is the worst place to live in the UK. Surely the money that would be going into Rochester Airport would be a lot better spent on making Medway a safer and better place to live	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.

Wilson Avenue, Rochester	Strongly Disagree	Concerned that increased air activity heightens the danger of air accidents over our family home and daughter's school No protection from air and noise pollution. What happened to reducing carbon footprint?	Scrap the idea and use the money to put back into the community to make Medway a better place to live. As a young family we feel our main concerns are for the safety and wellbeing of our children and having extra aircraft circling over our home and schools goes completely against this. From Media reports Medway is the worst place to live in the UK. Surely the money that would be going into Rochester Airport would be a lot better spent on making Medway a safer and better place to live	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
Wilson Avenue, Rochester	Strongly Disagree	Medway should forget this plan altogether	Expansion of Manston Airport	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.
Wilson Avenue, Rochester	Strongly Disagree	Leave as airfield not airport	Leave as is	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Wilson Avenue, Rochester	Strongly Disagree	Leave as airfield not airport	Leave as is	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Wilson Avenue, Rochester	Strongly Disagree	Leave well alone		Noted.

Wilson Avenue	Strongly Disagree	Leave the airport as it is. My house is under the flight path and aircraft pass overhead at a very low height - sometimes as low as approx 75 feet Rochester Airport should remain in its present form. Although considerable noise pollution is at time caused, it increases the size of aircraft and the number of take offs / landings would be intolerable to us in the close vicinity	Keep as is	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Wilson Avenue, Rochester	Strongly Disagree	Air traffic - already too noisy and busy	Quieter aircraft	Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.
City Way, Rochester	Strongly Disagree	Too much noise when planes fly	Too much noise when planes fly.	Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.
Pattens Close, Chatham	Strongly Disagree	My property already has low and frequent aircraft noise as we are close to end of runway / flight path. The enjoyment of my property would be compromised and value would drop should the plans go ahead. My neighbour is already unable to sell her house due to the proposal. Commercial flights would ruin the natural habitat of the many squirrels, badgers, foxes Why is there a need for commercial usage? I can't help but feel this is a cosy deal between the airline and council. Why should £5m of taxpayers' money help commercial interests. As a taxpayer and voter	The airport would serve more purpose as a retail or housing development which would better suit the needs of the area No to the draft masterplan	Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.

		this infuriates me. Waste of public funds.			The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
Blenheim Avenue, Chatham	Strongly Disagree	I strongly disagree with developing Rochester Airport and agree with all 7 points mentioned in the 1st lot of masterplan points		All three of these however feel most strongly with the first point. So many new housing developments mean more people needing more leisure areas, not more travel facilities which there are enough already.	See responses to comments made in pre-printed text.
The Ridgeway, Chatham	Strongly Disagree	The site is so overcrowded. It looks like a child's drawing with a wish list thrown in though with a scale rule		Suggest alternative consideration to put the site to better use, e.g. aviation museum with existing facilities for flights on grass, additional landmark features like flight simulator, aviation virtual reality playground, showrooms for RAF, Google aviation branch etc Use the site for the new Medway maritime Hospital. Let the existing lease run until NHS looks for alternative site. Gillingham may agree to industrial development on the hospital's vacation. This will create far more jobs than Rochester Airport and also save £4.4 million. Please lower the Council tax	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
The Ridgeway, Chatham	Strongly Disagree	The site is so overcrowded. It looks like a child's drawing with a wish list thrown in though with a scale rule		Suggest alternative consideration to put the site to better use, e.g. aviation museum with existing facilities for flights on grass, additional landmark features like flight simulator, aviation virtual reality playground, showrooms for RAF, Google aviation branch etc Use the site for the new Medway maritime Hospital. Let the existing lease run until NHS looks for alternative site. Gillingham may agree to industrial development on the hospital's vacation. This will create far more jobs than Rochester Airport and also save £4.4 million. Please lower the Council tax	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.

Haredale Close, Rochester	Strongly Disagree	Who actually benefits from the enlarged runway? Certainly not local residents! How can you justify spending four million pounds of taxpayers' money?	Spend the money on the road surfaces - City Way is a death trap for cyclists and motorbikes	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
City Way, Rochester	Strongly Disagree	I strongly disagree with the proposals as they appear financially unsound, ill prepared and ignore the views of a substantial number of local residents likely to be most affected by the changes. Rather than a 'smaller but better' airport, the proposals outlined for closing the current 16/34 runway and upgrading the 02/20 runway, appear likely to make it a 'busier airport' with resulting safety considerations, increased air and noise pollution, plus possible property price devaluation for residents living near the north end of the new runway. The proposed paved 02/20 runway will encourage more and possibly larger aircraft to use the airport and the RAL suggested cap of 50,000 movements per year (board 3) perhaps indicates that they too, anticipate an increase in number of flights. The summer day prediction of up to 500 movements, taken over the 12 hour period suggested, averages over 40 movements per hour. This number of movements will undoubtedly mean increased noise disturbance and air pollution for nearby residents. In this respect it should also be noted that among the noisiest aircraft currently using the airport are some helicopters, microlights and older MAPS aircraft, a lot of which will not likely be using the paved runway and therefore gaining no height advantage to offset noise It appears that overall safety will not really be improved as 1) a new grass runway is deemed necessary running parallel to the paved runway for use by some aircraft and 2) the alternative existing 16/34 runway will be lost, which means that cross winds are likely to have greater effect on the remaining single directional runways	Whilst personally I would be happier to see Rochester Airport continue in its existing form, I suggest Medway Council should reconsider the masterplan and explore further all options for the future use of the airport. Whilst the current proposals appear advantageous to RAL and other existing tenants, there is little evidence provided in the masterplan to suggest that the new development area gained will prove to be beneficial to ratepayers and justify the expense of the changes proposed. It is clear that there is considerable local support for the airport to remain as a green open space but little evidence of a comparable demand for increased air activity.	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. Open aspect and key views over site will be retained. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. Noisier aircraft mentioned are small proportion total users.

Jiniwin Road, Rochester	Strongly Disagree	Leave the airport as it is today (Sept 2013)		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
Wilson Avenue, Rochester	Strongly Disagree	I have lived in Rochester since 1981 but lived in Medway all my life. Rochester Airport makes this area unique as all towns appear to be cloned. However that is in its present format - changes proposed would make it into something that damages our area not enhances. It also saddens me that this amount of money can be found for this project We know how squeezed the budget is. We have a disabled daughter who has no care manager due to funding and are also aware of many other budget cuts within the area!!! The airport is huge funding that will benefit just a minority group but adversely affect thousands		The planning application process will consider environmental impacts, in accordance with national and local policy requirements.
Radleigh Gardens, Rochester	Strongly Disagree	It also increases Medway and Tonbridge & Malling carbon emission footprint in blatant disregard to Government carbon emission reduction targets		No evidence has been produced to support a negative impact on property values. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of
Highview Drive, Rochester	Strongly Disagree	My house value will fall while the council again earn more money. It's a risk to residents in the area if more flights are scheduled more weekly then the risk is increased. Also noise and pollution will almost be treble in the area	Leave alone	

				noise.
Long Catlis Road, Rainham	Strongly Disagree	The boundary as I believe for Tonbridge & Malling is through the airport. So they take money from future activities. If this is true, why is Medway wasting all these millions of pounds?		The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
Maidstone Road	Strongly Disagree	As a nursery manager, I feel that if something went wrong it could be awful.		The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced
Roman Close, Blue Bell Hill, Chatham	Strongly Disagree	The plan doesn't seem financially sound. Further details should be provided. Also the noise is a serious concern for local residents	Alternative options should be explored and presented to Medway residents. In its current form the plan should be scrapped	The planning application process will consider environmental impacts, in accordance with national and local policy requirements. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.
Robin Hood Lane, Blue Bell Hill, Chatham	Strongly Disagree	Larger aircraft, more noise, high levels of pollution, more flights. No open land or fields if larger aircraft have problems. Rochester Airport suffers from low cloud, fog, heavy snow and ice. Not large enough for commercial aircraft. Resident since 1961.		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.

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Toddington Crescent, Chatham	Strongly Disagree	No to Masterplan		Noted.
Roman Close, Blue Bell Hill Village, Chatham	Strongly Disagree	Concerned with increased noise and pollution As a parent and teacher I am very worried about the air traffic, plus increased noise I feel strongly against that increased carbon emission footprint	Scrap masterplan Explore alternative options for future use of site Protect residents and focus on green space and leisure	The planning application process will consider environmental impacts, in accordance with national and local policy requirements.
Roman Close, Blue Bell Hill Village, Chatham	Strongly Disagree	Concerned with increased noise and pollution As a parent and teacher I am very worried about the air traffic, plus increased noise I feel strongly against that increased carbon emission footprint	Scrap masterplan Explore alternative options for future use of site Protect residents and focus on green space and leisure	The planning application process will consider environmental impacts, in accordance with national and local policy requirements.

Toddington Crescent, Blue Bell Hill	Strongly Disagree	To be left as a leisure airport, no commercial planes at all	Leave runway as it is	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime
Jarrett Avenue, Wainscott, Rochester	Strongly Disagree	Too expensive, better use could be made of the monies involved The whole project is too expensive in these difficult times		The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
Jarrett Avenue, Wainscott, Rochester	Strongly Disagree	Too expensive, better use could be made of the monies involved The whole project is too expensive in these difficult times		The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
Keefe Close, Bluebell Hill Village	Strongly Disagree	Leave it as it is		Noted.
Maidstone Road	Strongly Disagree	As a nursery manager, I feel that if something went wrong it could be awful.		The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced.
Maidstone Road	Strongly Disagree	As a nursery manager, I feel that if something went wrong it could be awful.		The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced.
Binnacle Road, Rochester	Strongly Disagree	Noise, pollution and safety for residents and wildlife	Leave well alone. The local area has been destroyed enough. Kent is meant to be the Garden of England	The planning application process will consider environmental impacts, in accordance with national and local policy requirements.

Keating Close, Rochester	Strongly Disagree	The effects of noise and pollution to the local area The council despite what they may promise will not take responsibility for any detriment to local house prices	None because I strongly disagree with the whole proposal The council despite what they may promise will not take responsibility for any detriment to local house prices	The planning application process will consider environmental impacts, in accordance with national and local policy requirements. No evidence has been produced to support a negative impact on property values.
The Ridgeway	Strongly Disagree	Have not seen masterplan Don't want any extra runways causing more air noise over houses	Don't extend runways	There are no plans to extend runways, or for additional runways.
City Way, Rochester	Strongly Disagree	No protection for Medway residents on noise and pollution The runway will overburden the local area to detriment of property values in City Way and ME postcode	Medway Council should scrap the masterplan and spend money on something useful In future Medway Council should not seek to persuade public opinion and present the disadvantages of each option	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements. No evidence has been produced to support a negative impact on property values. The planning application process will consider environmental impacts, in accordance with national and local policy requirements.
Haredale Close, Rochester	Strongly Disagree	This area is continually being developed and is over populated already Medway Council should look to maintain and improve open spaces and leisure spaces	Leave some open space without increased air traffic and development. Medway Council should look to improving air quality not increase air pollution	The planning application process will consider environmental impacts, in accordance with national and local policy requirements. The planning application process will consider environmental impacts, in accordance with national and local policy requirements.
Golding Close, Rochester	Strongly Disagree	There should be a public survey, votes for / against the plan. It's what the people want, not what the Council wants My house is directly in the flight path. I work nights,	The airport is fine as it is. Any green space should be used for the benefit of the local residents.	Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements. The Masterplan will be revised to cap annual flight

		as many people do. I awake from flights already. If more flights, it will affect my quality of life and many more people			movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Golding Close, Rochester	Strongly Disagree	1000 jobs over 25 years seems like a poor investment whilst ruining the price of property and personal lives. This cannot be carried out. Not to mention a substantial carbon footprint! As a resident, the masterplan in my opinion will not create enough jobs over the time frame. Bigger aircraft will result in more frequent noise, along with the impact on infrastructure of roads in the immediate locality. This is not what the area needs		Scrap the masterplan and build a business park instead. Jobs are needed in Medway not aircraft	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
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Golding Close, Rochester	Strongly Disagree	1000 jobs over 25 years seems like a poor investment whilst ruining the price of property and personal lives. This cannot be carried out. Not to mention a substantial carbon footprint! As a resident, the masterplan in my opinion will not create enough jobs over the time frame. Bigger aircraft will result in more frequent noise, along with the impact on infrastructure of roads in the immediate locality. This is not what the area needs		Scrap the masterplan and build a business park instead. Jobs are needed in Medway not aircraft	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.

Golding Close, Rochester	Strongly Disagree	I would like ward councillors to stop the current proposal and talk to residents who live in the community around the airport Consideration should be given to the number of additional flights and the increased noise levels Why is Medway Council not exploring alternative options?	It feels like the plan was a definite and any opinion of local residents is immaterial. Listen to what people have to say. Greater research and honesty regarding additional flights and impact on residents and additional traffic on what are already heavily congested roads Consider alternative options	Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements. The planning application process will consider environmental impacts, in accordance with national and local policy requirements. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Golding Close	Strongly Disagree	The Deputy Leader stated at Full Council that Medway Council are relying on the results of a public consultation (14 years ago) circa 1999. What right has the council to rely on the results when the question asked is not pertinent to current proposal. In any case any results are clearly out of date. The number of flights proposed in the masterplan varies from 137 to 500 per day. At the upper end this means a flight every 1.8 minutes (over the proposed 12 hrs period) This has safety and quality of life issues	The council to explore a range of options for the future use of the airport To leave the airport as it is with two grass runways. I don't feel it is fit for purpose to turn it into a commercial airport as your literature delivered to our home expressed.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Golding Close, Rochester	Strongly Disagree	I am particularly concerned that the increased aviation activity will greatly increase air and noise pollution in our residential area Increased flight movements expected every 1-5 minutes on average will greatly impact on air safety, putting 4000 homes, schools and businesses etc in danger	Scrap this masterplan and seek other options for the future use of the Rochester Airport site Reconsider the necessity of this project. Human safety and preservation should be at the core of the Council's work for the residents.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The planning application process will consider environmental impacts, in accordance with national and local policy requirements

Golding Close, Rochester		The current flight numbers of 35000 per annum do not appear accurate given the prevailing weather conditions for example over the last 18 months. Having spoken to pilots using the airport they approximate 10,000 - 11,000. I can accept 15,000 per annum. 35,000 of which 70% apparently use the proposed flight path RAL currently possess equipment to measure noise. The consultative committee minutes record that the equipment is not used therefore the masterplan's attempts to reassure readers that the noise will not adversely affect residents in the flight path is not based on any reassurance or assurance. The proposed number of flights as detailed vary from 137 to 400-500 movements per day (with the vast majority being within the 12 hour window offered by RAL). This means planes will affect residents under the flight path between every 5.7 minutes to every 1.8 or 1.4 minutes (using RAL data). If the proposals come to fruition I have severe concerns about air safety, noise and the associated deterioration of quality of life.	Review the data (seriously) within the masterplan as this information indicates the masterplan is supporting a commercially viable airport - which is not what is actually feasible unless the masterplan details re the type of craft that the airport is not true (?) and it brings the question whether the plan is viable. Stop the masterplan and review and consult widely on all options	See information in Cabinet report. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements. The planning application process will consider environmental impacts, in accordance with national and local policy requirements.
Haredale Close, Rochester	Strongly Disagree	Listen to local residents we live here! Less noise and air pollution, no increase in commercial activity	Less noise and air pollution, no increase in commercial activity Change the runway for take off / landing to go over the M2 motorway away from residential area	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Haredale Close, Rochester	Strongly Disagree	Why pave the runway that would mean all flights take off and land over residential areas	Take off and land from flight path facing over M2 away from residential areas	The CAA advises that paved runways are safer and aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area.
Blenheim Avenue	Strongly Disagree	Kent already has two airports, Manston and Lydd. Both are being expanded we don't need a third We moved here from Hounslow 10 years ago to escape aircraft noise If you want to improve our transport infrastructure,	Scrap plans	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. The Masterplan will be revised to cap annual flight

		lobby for our station to be reinstated on the high speed line - at Cuxton or Blue Bell Hill. It is ridiculous that the largest conurbation that the line passes through has been bypassed - in favour of a station in a chalk pit in the middle of nowhere - Ebbsfleet.			movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Mooring Road, Rochester	Strongly Disagree	I cannot see how it will improve at all, it will be a crime.			Noted.
Mooring Road, Rochester	Strongly Disagree	The noise will be awful, houses will decrease in price and value of Rochester will be declined			No evidence has been produced to support a negative impact on property values. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.
Wilson Avenue, Rochester	Strongly Disagree	Extra noise due to huge increase in air activity		The area is built up enough, traffic etc - we don't need extra noise	Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.
Sturdee Avenue, Gillingham	Strongly Disagree			None. The local residents that currently own homes in the Medway towns did not know of these plans before they purchased homes in the area. I disagree with all plans currently being discussed	Noted.
Appleby Close, Rochester	Strongly Disagree	Extending the use of the airport in view of the number of buildings that have been allowed		Reduce airport use	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.

Patten Gardens, Rochester	Strongly Disagree	Not enough consideration of local residents Motorway accessibility The area will not be able to sustain growth to make the changes viable	Increase infrastructure New roads to improve traffic flow and ease expected congestion Scrap the whole plan	A comprehensive Traffic Impact Assessment will accompany the airport operator's planning application, with recommendations to advise improvement or mitigation measures. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.
Blenheim Avenue, Chatham	Strongly Disagree	If this council goes ahead with this masterplan, you will remove our right to complain about noise, safety, pollution etc. How many Conservative councillors are for it?	When you were elected, it was to represent the people that voted you in. Please try to remember that.	The planning application process will consider environmental impacts, in accordance with national and local policy requirements.
Barling Close, Blue Bell Hill	Strongly Disagree	drop plan		Noted.
Barling Close, Blue Bell Hill	Strongly Disagree	drop plan		Noted.
Keating Close, Rochester	Disagree	Selected pre-printed bullet points 1, 2, 5, 6 & 7 only.	Selected pre-printed bullet point 1 only.	Noted.
Wilson Avenue, Rochester	Disagree	Selected pre-printed bullet point 1 only.	Selected pre-printed bullet point 1 only.	Noted.
Primrose Close, Chatham	Disagree	Selected pre-printed bullet points 1, 2, 4, 5 & 6 only.		Noted.

Primrose Close, Chatham	Disagree	Selected pre-printed bullet points 1, 2, 4, 5 & 6 only.		Noted.
South Avenue, Gillingham	Strongly Disagree	It is a waste of public money.		The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
Horsted Way, Rochester	Disagree	Selected preprinted bullet point 1 only.		Noted.
Horsted Way, Rochester	Disagree	Selected preprinted bullet point 1 only.		Noted.
Golding Close, Rochester	Strongly Disagree	Quality of life will be impacted (noise) for local residents. Local house prices are likely to be de-valued. Safety for local residents will be put at risk due to increase air traffic.	Restrict air traffic to current levels. Reject proposal Restrict air traffic to current levels.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. No evidence has been produced to support a negative impact on property values.
Golding Close, Rochester	Strongly Disagree	Stop expansion		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime
Golding Close, Rochester	Strongly Disagree	Explore and consult widely.		Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements.

Golding Close, Rochester	Strongly Disagree	Too loud and disturbing.	Reduce size.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The planning application process will consider environmental impacts, in accordance with national and local policy requirements. The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Golding Close, Rochester	Strongly Disagree	Local house values will be adversely impacted. Quality of life for many local people will be impaired by noise and possible air pollution. Will increase a risk associated with air traffic accidents - flight paths are over local housing.	A - plan scrapped; B- local house prices assessed with full financial compensation payable (independently managed) If runway is to be continued only maintain current levels of usage. Scrap current plans and consider other options for development.	The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Golding Close, Rochester	Strongly Disagree	Safety of local residents will be put at risk House prices will be adversely affected. Concern that noise and air pollution will impair local quality of life.	Reject proposal. The airport is too near high density population. The business case should include guarantee that local house prices will not be adversely affected. Full compensation to be paid to local residents if prices affected. (compensation assessment and payment to be managed independently)	The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. No evidence has been produced to support a negative impact on property values.
Jiniwin Road, Rochester		Too much air traffic creating noise, pollution and danger.	Leave runway as it is, do not concrete it.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through

				CAA's licensing regime.
Jiniwin Road, Rochester	Too many aircraft, noisy, pollution and danger House prices	No concrete runway for commercial use No runway.		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. No evidence has been produced to support a negative impact on property values.
Jiniwin Road, Rochester	Moneys could be better spent to improve social care. Flight path - planes will fly less than 100ft directly over my house blighting it. Safety - a major accident just waiting to happen - and it will.	Close the airport and build affordable housing. Compensation to improve noise reduction and to relocate.		The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. No evidence has been produced to support a negative impact on property values. The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.
Barling Close, Blue Bell Hill	Would increase noise levels and pollution	Seek public opinion on how to make best use of the airport		Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements. The planning application process will consider environmental impacts, in accordance with national and local policy requirements.

Barling Close, Blue Bell Hill	Will have too much noise added pollution. Local wildlife will suffer	Seek public opinion on what should be done	Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements. The planning application process will consider environmental impacts, in accordance with national and local policy requirements. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.
Wopsle Close, Rochester, Kent	I strongly object to the proposed re-development of our airport, leave it alone, we have other sites in Medway with as good access look at the City Estate Tesco proposed site.	Stop spending our money on this, start looking after those in more need the sick and elderly, more low cost homes etc.	See information in Cabinet report. The planning application process will consider environmental impacts, in accordance with national and local policy requirements.
Golding Close, Rochester	Details on the 35,000 per annum current movements to support this data as this appears highly excessive.	Credible data on current activities, detailed feasibility/analysis on proposed increase of flights and the effects and impact in relation to quality of life, noise and property/asset values for local residents in the flight path	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Golding Close, Rochester	Leisure facilities only, no commercial flights.		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Golding Close, Rochester	Leisure facilities only, no commercial flights.		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
City Way, Rochester	Having read the draft masterplan I am very concerned indeed that the single paved runway goes ahead, the impact on the residents close to Rochester Airport will be catastrophic. The runway		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of

		could possible accommodate a wide range of larger jet engine aircraft which would not only be very noisy, but would cause an increase in pollution and there is always the fear of a stricken aircraft crashing on nearby houses. By commercialising Rochester Airport with a single paved runway, it will most certainly have a detrimental impact on the local property values as not many people would willingly want to live in such an environment.			planes using the airport will be regulated through CAA's licensing regime. No evidence has been produced to support a negative impact on property values.
Barling Close, Blue Bell Hill		Scrap the masterplan and explore alternative options. I am very concerned about the increases in aircraft noise and pollution.	Scrap the plan and explore options that would not increase noise and pollution.		Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements. The planning application process will consider environmental impacts, in accordance with national and local policy requirements.
Toddington Crescent		Waste of money I can't believe with Medway needing jobs. We are now classed as a deprived area we need more jobs for our youth. I oppose all this airport idea. Total waste of our money with jets flying low to land over our roofs. Scrap all of it why you can. Build factories. It's in the wrong part of Medway to have a busy airport. I can't stress we need work for our young school leavers. Not jet runways.	Build factories producing modern day needs. The only work in this town is shelf stackers in all the stores we need more employment. Pull back from this and look where you could either build factories then keep grass runway and build around it, what good will 2 engine jets do for Medway. This is not rocket science it is common sense. Total rethink. Who come up with this obviously does not see how low this town has fallen. We need more jobs.		The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
Barling Close, Blue Bell Hill		Living at Blue Bell Hill will be greatly affected by the proposed expansion of Rochester Airport. The money could be better spent to assist residents eg. Schools etc...	Medway Council to scrap the masterplan and explore more other options for the use of the Rochester Airport.		The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. The Masterplan will be revised to cap annual flight movements below levels already experienced. The

				runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
	Strongly disagree	There is no evidence that this M.C has considered alternative options for the future use of the airfield lane for Medway and North Downs residents as a whole that do not exploit or endanger families and their enjoyment of living in this area. By commercialising Rochester Airport with a single paved runway M.C will intentionally and knowingly overburden the area with aviation activity to the detriment of local property values.		See responses to pre-printed text.
Barling Close, Blue Bell Hill	Strongly Disagree	Would increase noise levels and pollution	Seek public opinion on how to make best use of the airport	Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements. The planning application process will consider environmental impacts, in accordance with national and local policy requirements.
Barling Close, Blue Bell Hill	Strongly Disagree	Will have too much noise added pollution. Local wildlife will suffer	Seek public opinion on what should be done	Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements. The planning application process will consider environmental impacts, in accordance with national and local policy requirements.
Robin Hood Lane, Blue Bell Hill, Chatham, Kent	Strongly Disagree	Living at Blue Bell Hill will be greatly affected by the proposed expansion of Rochester Airport. The money could be better spent to assist residents eg. Schools etc...	Medway Council to scrap the masterplan and explore more other options for the use of the Rochester Airport.	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.

Robin Hood Lane, Blue Bell Hill	Strongly Disagree	There is no evidence that this M.C has considered alt. options for the future use of the airfield lane for Medway and North Downs residents as a whole which do not exploit or endanger families and their enjoyment of living in this area. By commercialising Rochester Airport with a single paved runway M.C will intentionally and knowingly overburden the area with aviation activity to the detriment of local property values. It increases Medway and Tonbridge and Malling carbon emission footprint in blatant disregard to government carbon emission reduction targets.	Scrap the whole plan	See responses to pre-printed text.
Robin Hood Lane, Chatham	Strongly Disagree	I feel that the change of use for the airport is not necessary and inappropriate.	The whole plan scrapped.	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.
Robin Hood Lane, Chatham	Strongly Disagree	Around 1950, a commercial transport company (I think they were called Silver City Airlines) used Rochester Airfield. These were noisy and flew dangerously low over my house 3 feet above my neighbour's roof. Heathrow Airport started off as a small field, what is to prevent Rochester Airfield becoming the same. We are disturbed by aircraft flying to/from Heathrow or Gatwick day & night times already. Noise from M2 motorway is bad enough without additional noise from low flying aircraft.		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Toddington Crescent	Strongly Disagree	Waste of money I can't believe with Medway needing jobs. We are now classed as a deprived area. We need more jobs for our youth. I oppose all this airport idea. Total waste of our	Build factories producing modern day needs. The only work in this town is shelf stackers in all the stores we need more employment. Pull back from this and look where you could either build factories then keep grass runway and build	The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.

		money with jets flying low to land over our roofs. Scrap all of it why you can. Build factories. It's in the wrong part of Medway to have a busy airport. I can't stress we need work for our young school leavers. Not jet runways.	around it, what good will 2 engine jets do for Medway. This is not rocket science it is common sense. Total rethink. Who come up with this obviously does not see how low this town has fallen. We need more jobs.	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business.
Barling Close, Blue Bell Hill, Chatham	Strongly Disagree	The exhibition board did not detail alternative options which I think should be explored and discussed with residents. I am very concerned about the increases in aircraft noise and pollution.	Scrap the masterplan and explore alternative options. Scrap the plan and explore options which would not increase noise and pollution.	Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements. The planning application process will consider environmental impacts, in accordance with national and local policy requirements.
City Way, Rochester	Strongly Disagree	Having read the draft masterplan I am very concerned indeed that the single paved runway goes ahead, the impact on the residents close to Rochester Airport will be catastrophic. The runway could possible accommodate a wide range of larger jet engine aircraft which would not only be very noisy, but would cause an increase in pollution and there is always the fear of a stricken aircraft crashing on nearby houses. By commercialising Rochester Airport with a single paved runway, it will most certainly have a detrimental impact on the local property values as not many people would willingly want to live in such an environment. My other comments are that if the proposed commercialisation of Rochester Airport goes ahead, there will be absolutely no protection for residents from the environmental protection or noise act to		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. No evidence has been produced to support a negative impact on property values. The planning application process will consider environmental impacts, in accordance with national and local policy requirements.

		control noise nuisance or pollution.			
Wopsle Close, Rochester	Strongly Disagree	All of the points leave as it is or close completely. I strongly object to the proposed re-development or our airport, leave it alone, we have other sites in Medway with as good access look at the City Estate Tesco proposed site.	Stop spending our money on this, start looking after those in more need the sick and elderly, more low cost homes etc.	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.	
Golding Close, Rochester	Strongly Disagree	Details on the 35,000 per annum current movements to support this data as this appears highly excessive.	Credible data on current activities, detailed feasibility/analysis on proposed increase of flights and the effects and impact in relation to quality of life, noise and property/asset values for local residents in the flight path.	See information in Cabinet report.	
Golding Close, Rochester	Strongly Disagree	Written confirmation that movements will be capped. Suggested hours of operation 7:30am - 7:30pm unreasonable for residents living in flight path. What evidence is there to back up the claim that aircraft will be quieter due to taking off earlier on a paved runway and therefore climb more quickly.	Suggest this is reduced from 50,000 to 40,000 pa. Suggest raised to 9:00am to 7:30 pm. An independent noise assessment should be carried out.	See information in Cabinet report. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The planning application process will consider environmental impacts, in accordance with national and local policy requirements. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.	

Golding Close, Rochester	Strongly Disagree	Will there be more noise? What evidence can the council provide to substantiate their claim that aircraft will be quieter as they will be able to take off earlier on a paved runway. Will the airport be busier? Written confirmation that movements will be capped. Hours of operation. 7:30am is an unacceptable core time for residents directly in the flight path.	Will a noise assessment be carried out by an independent organisation to verify the above claim? Suggest that this is a maximum of 40,000 per annum and not 50,000 as suggested. Suggest 9:00 - 7:30pm	See information in Cabinet report. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The planning application process will consider environmental impacts, in accordance with national and local policy requirements. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise.
Golding Close, Rochester	Strongly Disagree	Leisure facilities only, no commercial flights.		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Golding Close, Rochester	Strongly Disagree	Leisure facilities only, no commercial flights.		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Golding Close, Rochester	Strongly Disagree	Quality of life will be impacted (noise) for local residents Local house prices are likely to be de-valued. Safety for local residents will be put at risk due to increase air traffic.	Restrict air traffic to current levels. Reject proposal Restrict air traffic to current levels.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. No evidence has been produced to support a negative impact on property values.

				The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced.
Golding Close, Rochester	Strongly Disagree	Stop expansion.		The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Golding Close, Rochester	Strongly Disagree	Explore and consult widely.		Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements
Golding Close, Rochester	Strongly Disagree	Too loud and disturbing.	Reduce size.	The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime.
Golding Close, Rochester	Strongly Disagree	Local house values will be adversely impacted. Quality of life for many local people will be impaired by noise and possible air pollution. Will increase a risk associated with air traffic accidents - flight paths are over local housing.	Plan scrapped and local house prices assessed with full financial compensation payable (independently managed) If runway is to be continued only maintain current levels of usage. Scrap current plans and consider other options for development.	No evidence has been produced to support a negative impact on property values. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning

				application. The Council seeks to revise the cap on annual aircraft movements and operating hours at weekends will contribute to the management of noise. No evidence has been produced to support a negative impact on property values. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The planning application process will consider environmental impacts, in accordance with national and local policy requirements. The runway will not be concreted. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The runway will not be concreted. The Masterplan will be revised to cap annual flight movements below levels already experienced. The runway will not be extended, and its length prohibits landing and take-off of larger aircraft. The class of planes using the airport will be regulated through CAA's licensing regime. The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase	
Golding Close, Rochester	Strongly Disagree	Safety of local residents will be put at risk House prices will be adversely affected. Concern that noise and air pollution will impair local quality of life.	Reject proposal. The airport is too near high density population. The business case should include guarantee that local house prices will not be adversely affected. Full compensation to be paid to local residents if prices affected. (compensation assessment and payment to be managed independently) Restrict air traffic to current levels.	No concrete runway for commercial use. No runway. Close the airport and build affordable housing Compensation to improve noise reduction and to relocate.	Leave runway as it is, do not concrete it.
Jiniwin Road, Rochester	Strongly Disagree	Concrete runway - Too much air traffic creating noise, pollution and danger.			
Jiniwin Road, Rochester	Strongly Disagree	Air traffic - Too many aircraft, noisy, pollution and danger House prices			
Jiniwin Road, Rochester	Strongly Disagree	Moneys could be better spent to improve social care. Flight path - planes will fly less than 100ft directly over my house blighting it. Safety - a major accident just waiting to happen - and it will.			

					in air traffic beyond levels already experienced.
Appleby Close, Rochester	Disagree	All of it			Noted.
Bligh Way, Strood	Strongly disagree	All			Noted.
Jiniwin Road, Rochester	Strongly disagree	It is a complete waste of Tax payers money to spend all of these millions on a 'white elephant' a rich sport These planes fly straight over our house, it will be blighted, and drive us to distraction, or sitting in the garden with ears plugs on. Another plane nose dived on runway (few days ago) we saw it, another 'accident' it is only a matter of time.	Well, if the airport is to remain, keep it as it is, or close it to redevelop it - ie affordable housing. Please change your mind on having a concrete runway, it will ruin everything, and our lives. Stop it now that's what I would do.	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. No evidence has been produced to support a negative impact on property values. The CAA advises that paved runways are safer. The airport has a good safety record and meets stringent reviews annually to meet the requirements of the CAA licensing regimes. The revised cap on annual movements means that there will not be an increase in air traffic beyond levels already experienced.	
Park Crescent, Chatham	Strongly disagree	Concerns about noise pollution and risk of crashes Waste of money	If there is this amount of money available there are higher priorities eg infrastructure, support local businesses.	The value of the Council's land for disposal will exceed the contribution towards airport improvements, with additional long term value through job creation from new business. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway. Aircraft will gain height more quickly as a result of the paved runway, thus reducing noise impacts in the surrounding area. A Noise Impact Assessment will accompany the airport operator's planning application. The Council seeks to revise the cap on	

					annual aircraft movements and operating hours at weekends will contribute to the management of noise.
Wemnick Close, Rochester	Strongly disagree	Residents were not given any alternative ideas with regards to the next 25 years		Varying ideas need to be explored before the council railroad these proposals through.	Consultation carried out with residents in Medway and TMBC area in accordance with national planning and MC planning policy requirements. The site has an important value for aviation and employment uses, and its accessible location and links to surrounding businesses offer specific advantages to successful economic growth in Medway.

Comments received to consultation from organisations by email

Organisation/Business	Comments	Council response
Natural England	Welcome recognition of environment and seek further opportunities to enhance green infrastructure.	Masterplan to reflect GI opportunities.
Highways Agency	No specific objections to the draft Masterplan or the principle of development at the Airport. Advise that any Transport Assessment in support of a planning application must give full consideration to the impacts on the M2 J1-5, and in particular the J3 interchange	Council to work with HA through planning process.
Environment Agency	No objection. Promote use of SuDS, management of groundwater and contaminated land and waste treatment.	Noted. Greater reference to be made to environmental context in masterplan. Further work at planning application stage.
St James, Isle of Grain Parish Council	Agreed unanimously to support the proposals	Noted.
Cobham Parish Council	Support hard runway and other improvements on site. Consideration of specific design.	Noted.
Marine Management Organisation	No comments	Noted.
NLP for London Biggin Hill Airport	Reference to lack of adopted Core Strategy policy; information sought on noise, need for improvements visual impacts and traffic management. Possible implications for London Biggin Hill.	Masterplan to be adopted as policy by full Council in advance of approved Core Strategy. Masterplan revisions to more clearly address issues raised.
Kent Downs AONB Unit	Impact on setting and tranquillity of Kent Downs Area of Outstanding Natural Beauty	Masterplan to reflect proximity of AONB

Harrisons for Equity Estates/ AXA/CIS	Support Masterplan and seek the opportunity to consider the future of the Horsted Retail Park as a Gateway Scheme	Retail Park not part of Masterplan and to be discussed separately.
Kent County Council	Local aviation diversification and employment growth in Medway is supported. Advise to review number of aircraft movements and cap level.	Support noted and annual cap and operating hours to be reviewed.
BAE Systems	BAE Systems support the council's vision for Rochester Airport for 'smaller but better', and the opportunities to deliver the council's vision to create a major hub for high-quality technology and knowledge-based employment in the area	Support noted - ongoing dialogue with this key stakeholder to be undertaken to underpin the requirement for higher value employment at the site.

Our ref:

Development Policy and Engagement Team
Housing and Regeneration
Medway Council
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR

Kevin Bown
Asset Manager
4C
Federated House
London Road
Dorking
Surrey
RH4 1SZ

For the attention of Catherine Smith

Direct Line: 01306 878621

By email only to: ldf@medway.gov.uk 16 September 2013

Dear Ms Smith,

**HIGHWAYS AGENCY RESPONSE RE:
ROCHESTER AIRPORT MASTERPLAN CONSULTATION DRAFT**

Thank you for consulting the Highways Agency (HA) regarding the above proposed document that on adoption will form part of/ will support the local development framework for Medway.

As you are aware the HA, on behalf of the Secretary of State for Transport, is responsible for managing and operating a safe and efficient Strategic Road Network (SRN): ie the all-purpose Trunk Road and Motorway Network in England.

Our primary concern in the vicinity of Medway is the impact of any planning documents or development management decisions on the A2/M2 corridor, principally between M25 and M2 J7, Brenley Corner. This is because the impacts of plans adopted and planning decisions made will be felt beyond individual district boundaries.

Our assessment of the draft Masterplan takes into account national policy such as the National Planning Policy Framework, DfT Circular 02/13 *The Strategic Road Network and the Delivery of Sustainable Development (Sept 2013)* (that has replaced the previous C02/07 guidance) and the recently published *Action for Roads: A Network for the 21st Century (July 2013)*. It also takes account of local circumstances, including those pertaining at those times in the past when the HA has been consulted on previous iterations of Medway LDF documents. On this basis we would comment as follows:

Policy Basis: Principle of Development

We note the on-going discussions between Medway and the Core Strategy inspector regarding the potential to progress or need to withdraw the Core Strategy (mainly due to

matters relating to the proposed settlement at Lodge Hill, rather than anything in connection with Rochester airport). If the Core Strategy is unable to proceed, the policy basis for, and the status of, the draft Masterplan will need to be reviewed.

We note that the proposals at the Airport are referenced in the emerging Core Strategy. *Policy CS17: Economic Development* sets out the opportunities at and in close proximity to Rochester Airfield to develop a technology and knowledge based cluster. We note that no specific infrastructure measures with respect to the SRN are set out in the Core Strategy document to support the intensification of the site.

However, we also note that *Policy CS24: Transport and Movement* of the emerging Core Strategy sets out a series of actions in relation to the transport network. For the proposals at Rochester Airport, this should include the preparation of a Transport Assessment which should seek to encourage modal shift towards sustainable modes of travel. A Travel Plan will also need to be a key part of any planning application, including demonstrating how sustainable modes of travel can be utilised to and from the site. Given the close proximity of the Airport to the SRN, and in order to reduce car trips, we would in particular be seeking to understand how travel by non car modes could be made, and also enhanced to the Medway towns.

The policy also notes that the Council will continue to work with the operator of Rochester Airport to objectively consider the future of the general aviation facility, bearing in mind its co-location with a strategic employment opportunity. The HA would request to be party to any discussions or scoping work prior to a planning application.

Development Management: Practical Issues

The HA's evidence indicates that M2 J1-5, junctions and links, are currently operating at or near to capacity and experience congestion at peak hours. Rochester Airport can be accessed via M2 J3 which is located in close proximity to the site; although it is recognised that travellers may make use of other junctions, particularly where they believe it will reduce journey time. As a result, any increase in traffic, or change in its distribution and/or timing, on these sections of the SRN would be of concern to the HA.

The proposals at Rochester Airport seek to enhance the facilities at the airport and to cater for larger aircraft, and also will release new land with the potential to create up to 1,000 jobs. It is the intensification of use on the site and environs that is of concern to the HA, given the additional trips which will travel via the SRN.

The Access section of the Draft Masterplan presents a plan to open the site up to the wider area and significantly enhance access. Whilst this appears to represent an improvement to the existing access arrangements, the draft Masterplan presents no consideration or overview of the potential impact on the SRN.

Overall Conclusions:

In summary, although at this stage, the HA has no specific objections to the draft Masterplan or the principle of development at the Airport, the Council should note that any Transport Assessment in support of a planning application must give full consideration to the impacts on the M2 J1-5, and in particular the J3 interchange.

Yours sincerely,

Kevin Bown

Kevin Bown
Asset Development Team
Email: Kevin.Bown@highways.gsi.gov.uk

From: Dr N D Haig [ndh.rcck@tesco.net]

Sent: 06 September 2013 15:03

To: ldf

Cc: sally keep; Alan Rowe; Bernard Glenister; Julian Giles; Nigel D Haig; Kerry Smith

Subject: Cobham Parish Council comments on Rochester Airport Proposals

These comments constitute the official response of Cobham Parish Council to the proposals for the development of Rochester Airport, a location that is clearly visible from Cobham, hilltop to hilltop.

As a member of Cobham Parish Council planning committee, I have been asked to comment on Medway Council's proposals for the future of Rochester Airport. As it happens, I also qualified as a pilot (Licence number UK/NP/434965B/A) and have flown many times from Rochester Airport, and am thus familiar with airfield needs and requirements.

My comments are very general, since I am not familiar with the financial underpinning associated with the selling or leasing out of so-called surplus land.

The hard-surfacing of RW 02/20 will be a great step forward, permitting operations when the grass surfaces are either muddy or dusty. Surely, however, paragraph 1.2 is incorrect when it refers to "...hard-surfaced runway.....on the alignment of the existing 16/34 runway." The true proposal is clear in Fig.2.1, and in para 2.5.

The proposed "Raised green bank" should be quite low, with a very gentle rise, in order to allow emergency landings on the north side of RW 02/20, particularly in the case of EFATO, or Engine Failure after Take-Off. There is also the possibility of cross-winds over the raised bank generating turbulent air across the main runway, which could be dangerous. On the other hand, it is unusual to fly light aircraft in strong crosswind conditions.

I am particularly pleased to see the support for MAPS, as I have seen at close quarters how superbly they have restored derelict aircraft of wartime vintage.

It seems a great pity that RW16/34 must go in order to pay for the improvements, although the location of the access road beneath the final approach of RW34 has always struck me as unhappy, in spite of the traffic lights which could possibly be ignored by impatient drivers.

The suggestion to cap the aircraft movements at 50,000 per annum seems very reasonable indeed.

Para 3.34 and 5.15 rightly draw attention to the need for nearby buildings/masts to be limited in height. There should be some statutory means of enforcing this for a long time into the future.

The potential junction improvements suggested in Fig 5.2 are a great improvement on the existing arrangements.

Yours faithfully,

(Dr) Nigel Haig, Cobham Parish Council planning committee..

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Ms Catherine Smith
Development Policy and
Engagement team
Housing and Regeneration
Medway Council
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR

Our ref: KT/2006/000047/OR-02/PO1-L01
Your ref:
Date: 20 September 2013

Dear Catherine

Rochester Airport Masterplan

Thank you for consulting us on the above masterplan. We have no objection but we do have the following comments to make.

Flood risk

We would recommend that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDs). SuDs are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDs involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

The variety of SuDs techniques available means that virtually any development should be able to include a scheme based around these principles.

The applicant should also note that any development greater than 1 hectare in size would require a Flood Risk Assessment at the planning application stage.

Yours faithfully

Groundwater and Contaminated Land

The masterplan deals with many issues comprehensively. However it is disappointing that the airfield is not set within the context of its wider natural environment. From the point of view of groundwater protection the airport sits in a sensitive setting over a principle aquifer and within a Source Protection Zone (SPZ) for a public water supply abstraction borehole, largely within SPZ2.

The masterplan makes mention of the issues of contamination and the opportunities to address historic sources is welcomed in re-development of the airport and its environs. The issues related to use of fuels at the site needs to be carefully addressed, as indicated facilities are out-dated and pose a risk to the aquifer. As indicated in GP3 the EA will work with developers of existing sites to ensure that fuel storage facilities are brought up to relevant standards and operated and

Environment Agency
Orchard House (Endeavour Park) London Road, Addington, West Malling, ME19 5SH.
Customer services line: 03708 506 506
www.environment-agency.gov.uk

Cont/d..

maintained in a manner that recognises the sensitive setting of an SPZ.

In addition the use of a hard runway and associated grass taxiways will bring different management requirements for dealing with chemicals such as de-icing and vegetation management chemicals such as herbicides. Drainage will need careful design to ensure any SuDs design incorporates relevant protection for the underlying aquifer, standard designs are not necessarily applicable in this instance. This will apply to the airport land and adjacent development land too, which is indicated to fall almost wholly within SPZ2 and near SPZ1. It is likely there will be restrictions on infiltration into the chalk in some areas.

in relation to the proposed soil bund the following information may be applicable, but use of imported soils will need to be carefully controlled by a materials management plan and import criteria agreed under planning conditions for soils/fill materials to ensure protection of the aquifer body.

Advice to applicant

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;
- treated materials can be transferred between sites as part of a hub and cluster project; and
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at www.environment-agency.gov.uk for further guidance.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

Ms Jennifer Wilson
Planning Specialist

Direct dial 01732 223272

Direct e-mail jennifer.wilson@environment-agency.gov.uk



Oasis House • Ambley Green • Gillingham Business Park • Kent • ME8 0NJ
Tel: 01634 265900 • Email: info@harrisons-surveyors.com • www.harrisons-surveyors.com

Mr Richard Kidd
Business Development & Projects Manager
Housing, Development & Transport Division
Medway Council
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR

Our Ref: BPC/KEH
Your Ref:
Date: 20th September 2013
e-mail: bcox@harrisons-surveyors.com

Dear Richard

Re: Rochester Airport Consultation

Further to our meeting / discussions in relation to the above, to confirm Harrisons Chartered Surveyors are instructed by Equity Estates GB Ltd to respond to the Consultation Draft of the Rochester Airport Masterplan June 2013 on behalf of AXA Investment Managers, the asset managers of the Horsted Retail Park for its owners CIS.

Our client supports the overall concept for the Rochester Airport Masterplan and believes this raises the opportunity to consider further investment in Horsted Retail Park to create an updated gateway scheme both in terms of the airport itself and the Medway Towns. This would be very much in keeping with both what has been achieved to date by the Council in the development of the Innovation Centre and the Masterplan proposals currently under consideration.

It is considered that there is unsatisfied retail demand and lack of capacity within the Medway Towns which cannot readily be accommodated elsewhere and a limited expansion of the Horsted Retail Park could meet that demand whilst providing circumstances and potential funding to help deliver and support the wider vision of the Masterplan.

Our clients would be keen to have the opportunity to expand upon their thoughts and ideas, building upon our previous meeting, and to put forward some indicative proposals for discussion.

I look forward to hearing from you, with a view to setting up the suggested meeting.

Kind regards
Yours sincerely

Brian P. Cox.
Director

PROPERTY & DEVELOPMENT CONSULTANTS • AGENTS • VALUERS • SURVEYORS

Kent County Council has the following comments to make regarding the proposed masterplan for the Draft Rochester Airport, consultation September 2013;

- As there are no plans for passenger flights, the changes to the aviation capacity and type will not have implications for Manston or Lydd's aspirations and also does not conflict with KCC (and Medway's) position opposing a passenger airport in the Thames Estuary.
- The alignment of the new paved runway should mean that during the prevailing wind most flights will take off and climb over the Downs and rural areas, e.g. Monk Wood. When the wind changes direction, aircraft will approach over these areas for landing. There are no flight path or noise contour maps, KCC is not in a position to comment as to whether this will have implications for Wouldham or settlements in the Medway Valley or not. Moreover, KCC is not aware of any issues regarding noise from Rochester Airport, unlike with Manston and Gatwick. Arrivals will mainly descend over the Medway Towns and at other times when the wind is blowing in the opposite direction, flights will then ascend over parts of Chatham, so Medway Council will need to assess the implications of this.
- The current level of air traffic movements (35,000 per year, an average of 96 per day, stated in the document) is fairly high and the master plan forecasts this to increase to 50,000 per annum or 137 per day. Putting this into context, according to Civil Aviation Authority (CAA) data, in 2012, Manston had just 1,004 annual movements and Lydd just 625. Movements are comparable to Liverpool John Lennon Airport (36,493). Although the movements at Rochester are made up of only very small light aircraft and helicopters. The Master Plan suggests a cap of 50,000 movements per year (currently there is no cap). KCC suggest that it (a cap) might be a good idea for Medway Council to consider, although it would be useful to see what this suggested level for a cap is based on. The master plan states that a cap would be imposed if Planning Permission was granted for the improvements; it is therefore presumed it would be at this time that a limit would be negotiated? The Master Plan states that careful monitoring would be in place to check the number of flights, but without a defined limit (which the master plan states would be in place) and penalties for breaching that limit, the action of monitoring seems rather academic. Further analysis on the impacts of these additional flights may well need to be done in order to make a judgement on what the movement limit should be, it is suggested. There should also be a commitment to noise monitoring, if this is indeed an issue.

- Night flights would not be an issue if the master plan's suggested hours of opening are confirmed (07:00 to 19:30) with home based aircraft retaining the current right to operate until dusk or 21:00 as they do currently.
- KCC Highways and Transportation have no comments on the highway implications of the master plan proposals.

In broad terms local aviation diversification and employment growth in Medway is supported by KCC.

Bryan Geake
Principle Planning Officer
Planning Policy

From: Jenny Bate [Jenny.Bate@kentdowns.org.uk]
Sent: 10 October 2013 15:01
To: smith, catherine
Cc: Hammond, David (NE); 'Hanna, Sean (NE)'; Gill Bell
Subject: RE: Rochester Airport Masterplan

Importance: High

Dear Catherine

Thank you for consulting us on the Rochester Area Masterplan.

The area is separated from the AONB by the M2 but on the flight path of the airport. Any intensification of use of the airport will therefore have some impact on the tranquillity of the AONB to the West and south of the site. The impact of the height of new buildings on views out of the AONB should also be taken into account at the planning applications stage. It would be helpful if these two issues arising from the proximity of the AONB were mentioned in the Masterplan.

I apologise for the tardiness of our response.

Best wishes

Jenny

Jennifer Bate
Planning Officer
Kent Downs AONB

I work 3 days a week, normally Tuesdays, Wednesdays and Thursdays. At other times if your query is urgent please contact the office on 01303 815170 or mail@kentdowns.org.uk

Kent Downs AONB Unit
West Barn
Penstock Hall Farm
East Brabourne
Ashford
TN25 5LL

Tel: 01303 815170

Conserving and enhancing the Kent Downs Area of Outstanding Natural Beauty

Have your say on the [Kent Downs AONB Management Plan review](#)

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From: Hammond, David (NE) [mailto:David.Hammond@naturalengland.org.uk]
Sent: 08 October 2013 15:14
To: smith, catherine
Cc: Jenny Bate
Subject: Rochester Airport Masterplan {Scanned by ADM Mail Safe}

Dear Ms Smith,

Thank you for your Council's consultation in respect of the above policy document seeking the views and comments of Natural England, which has been passed to me for response. Having agreed by telephone on Friday 4th October 2013 that Natural England could have until 8th October 2013 to respond I am now issuing our response to the above consultation document.

I trust that this is sufficient for your purposes, but should you have any questions or queries in respect of this response please do not hesitate to contact me.

Yours sincerely

David Hammond
Lead Advisor
Tel: 0300-060 1373
Fax: 0207 932 2201

E Mail: david.hammond@naturalengland.org.uk

**Natural England,
Area 1C Nobel House,
17 Smith Square, London SW1P 3JR**

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing

From: smith, catherine [<mailto:catherine.smith@medway.gov.uk>]
Sent: 02 October 2013 17:48
To: Jennings, Nigel (NE)
Subject: Rochester Airport masterplan

Dear Nigel

I'm just checking to see if Natural England wish to submit any comments on the draft masterplan for Rochester Airport that we have recently consulted on. I've set out details below of how to view the content of the proposals:

Medway Council has produced a draft masterplan for land at and around Rochester Airport. It retains the airport facility, and identifies opportunities for freeing up land around the airport for new employment uses. This is a key ambition for Medway's economic development. The purpose of the masterplan is to provide guidance on the design and development principles to achieve effective planning of the site.

I would like to inform you that Medway Council is consulting on this draft masterplan until **20 September 2013**.

An electronic version of the document can be viewed online at:

<http://www.medway.gov.uk/pdf/Rochester%20Airport%20Masterplan%20Consultation%20Draft.pdf>

Background information and further details of the proposals are also available on the council's website at:
www.medway.gov.uk/rochesterairport

A Sustainability Appraisal to consider the wider impacts of the proposals has also been carried out on the draft masterplan and this is available to view at:

<http://www.medway.gov.uk/pdf/Rochester%20Airport%20Masterplan%20Sustainability%20Appraisal%20draft.pdf>

Although the formal consultation period has now closed, if NE wish to make comments, or you would like to discuss further, please let me know.

regards

Catherine

Catherine Smith
Development Policy & Engagement Manager
Housing & Regeneration Division
Regeneration, Community and Culture
Medway Council, Civic Headquarters, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR
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By email: ldf@medway.gov.uk

Our reference: 328

05 September 2013

Dear Sir/Madam,

Re: Rochester Airport consultation on draft masterplan

Thank you for inviting the Marine Management Organisation (MMO) to comment on the above consultation. I can confirm that the MMO has no comments on this document as the geographical area it covers does not include any area of the sea or tidal river and is therefore not within our remit.

If you have any questions or need any further information please just let me know. More information on the role of the MMO can be found on our website www.marinemanagement.org.uk

Yours sincerely



Angela Atkinson
Stakeholder and Networks Officer

E angela.atkinson@marinemanagement.org.uk

Date: 8 October 2013
Our ref: 96665
Your ref:



Ms Catherine Smith
Development Policy & Engagement Manager
Housing & regeneration Division
Medway Council
Civic Headquarters
Gun Wharf
Dock Road
Chatham
Kent ME14 4TR

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6JC

T 0300 060 3900

BY EMAIL ONLY

Dear Ms Smith,

Rochester Airport Masterplan

Thank you for your correspondence in respect of the above consultation document, seeking the views and comments of Natural England on the above dated.

Natural England is the Government agency that works to conserve and enhance biodiversity and landscapes, promote access to the natural environment, and contribute to the way natural resources are managed so that they can be enjoyed now and by future generations.

Given that the Airport may increase capacity of flights by up to a third per annum, we would encourage you to contact and liaise with the Kent Downs Area of Outstanding Natural Beauty (AONB) to discuss the potential for impacts of increased flights over the AONB, or to discount the potential for affects.

Overall the Masterplan has covered the areas that Natural England would expect to see in such a document, and has referenced appropriate and relevant legislation.

References to the various Sites of Special Scientific Interest (SSSI's) – Wouldham to Dettling Escarpment and Halling to Trottiscliffe Escarpment, together with the reference to Peters Pit Special Area for Conservation (SAC) are welcomed and acknowledged.

Opportunities to enhance and or increase biodiversity as art of sustainable development should be encouraged and promoted. This could be emphasised more in the document, not merely references to Tree Preservation Orders and green bunds, there is potential to consider inclusion of green infrastructure such as green/brown roofs as well as living walls to help enhance the ecology and biodiversity of the area.

The Council having identified areas of deprivation and potential for improvement, should seek to link green spaces, alleviating fragmentation and enhance where possible green/open space provision. This will help reduce potential for impact on designated sites and help strengthen as well as be in line with the Council's policies.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

For clarification of any points in this letter, please contact David Hammond on 0300 0601373. For any new consultations or issues, please contact consultations@naturalengland.org.uk.

Yours faithfully

David Hammond
Lead Advisor
Land Use Ops Team

CC Jennifer Bates Kent Downs AONB

Planning and Environment

Medway Council

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Date 19 September 2013

Our ref 10500/02/MS/JB/5530536v1

Your ref

Dear Mr Kidd

Representations on behalf of London Biggin Hill Airport Rochester Airport Masterplan

We are writing on behalf of London Biggin Hill Airport (LBHA) to comment on the Rochester Airport Masterplan Consultation Draft (June 2013). The masterplan proposes the closure of the 16/34 grass runway and the creation of two new parallel paved and grass runways to replace the existing 02/20 grass runways as well as improvements to navigation. We also note that the masterplan proposes new land for employment uses with the potential to create up to 1,000 new skilled jobs. We understand that the airport operator Rochester Airport Limited (RAL) has suggested that the total annual movements be capped at 50,000 per annum; this is 15,000 more movements than the airport currently handles per annum according to section 2.9 of the masterplan, suggesting that the airport is proposing to expand.

Biggin Hill Airport

LBHA is one of London's busiest business aviation airports and currently handles in excess of 40,000 movements per annum. It is also a major employment location focused on aircraft and maintenance and associated activities. It has seen major investment take place over the past few years in airport infrastructure and in two international Fixed Based Operators, namely Rizon and Jet Aviation. The economic importance of the airport has been recognised by the Mayor of London when he designated Biggin Hill as a Strategic Outer London Development Centre in the adopted London Plan. This is now being taken forward by LB Bromley who have identified as a preferred option "realising the full potential of the Biggin Hill SOLDC".

The draft Masterplan for Rochester Airport

The draft masterplan seeks the creation of an all weather runway which LBHA believes will enable the airport to cater for a wider range of movements including those in business aviation and charter.



LBHA would therefore make the following comments on the masterplan proposals:

- a The masterplan notes in paragraph 1.5 that *“there are no specific planning policies that protect the Airport”* and *“This document is intended to set out clear policies for both the airport and the surrounding area by providing a masterplan”*.

We note that the Submission draft of the Core Strategy recognises that facilities at the Airport need reinvestment and upgrading and that Policy CS24 states that the Council will continue to work with the operator of Rochester Airport to objectively consider the future of the general aviation facility, bearing in mind its co-location with a strategic employment opportunity. In addition, Policy CS17 seeks to continue opportunities at, and in close proximity to, Rochester Airfield to develop a technology and knowledge based cluster.

However, the emerging Core Strategy contains no strategic policy to guide the future development of the Airport. The recently published National Planning Practice Guidance advises that Supplementary planning documents (SPDs) should be prepared only where necessary and in line with paragraph 153 of the National Planning Policy Framework. They should build upon the policies in the Local Plan, and cannot be used to introduce new policies or revise existing policies; nor should they add unnecessarily to the financial burdens on development. Although not technically an SPD, the masterplan should build upon policies within the Core Strategy. It is therefore difficult to understand how such significant proposals to upgrade the facilities at the Airport can be dealt with through a masterplan which will not be subject to an independent examination. Nor should the masterplan be given significant planning weight in the consideration of any future planning applications – this should be reflected in the masterplan.

- b The masterplan suggests that the introduction of a paved runway will reduce aircraft noise around the airport. There is no evidence to demonstrate that existing noise measurements have been taken in the local area and predictions made of changes in noise levels following the introduction of a tarmac runway. The introduction of a tarmac runway in its proposed location, and predicted potential increase in movements, along with the aircraft proposing to use the new runway (which do not appear to be quieter business jets) indicate that noise levels could increase with the introduction of the new tarmac runway. With the closing of runway 16/34 all aircraft will be using the runways 02/20 and there may be changes to the aircraft flightpaths which could result in noise impacts. No assessment of the noise impact on residents or other sensitive receptors under the flightpath as a result of the new tarmac runway in its proposed location has been undertaken.
- c The introduction of the tarmac runway and new employment development will increase traffic on the local road network. The masterplan recognises in paragraph 3.6 that access onto the airport is limited and is congested at peak times. No transport assessment has been undertaken to demonstrate that the proposals within the masterplan would have no impact on the local highway network or Junction 3 of the M2. We note that the Highways Agency has raised concerns regarding the strategic allocation of Rochester Airport as an employment site in the Core Strategy, in terms of the impact increased development will have on the highways network and what approach there is to managing these impacts. The masterplan identifies (paragraph 5.7) junctions which may require further improvement, but does not indicate how and if these improvements can be funded.



- d The construction of a hard runway with navigational improvements such as landing lights, could be more visually intrusive than a grass runway, especially if lit. No visual impact assessment work has been undertaken.
- e If, as the masterplan envisages, the type of aircraft are expected to be similar to those that currently use the airport (with the airports core business remaining as leisure users, helicopters and air taxis (paragraph 2.9)) then there is no evidence to suggest that there is a need for a hard runway. There is no evidence to suggest that the existing grass runways are insufficient for the current aircraft and operations and therefore that a tarmac runway is required. There is no evidence to suggest that there is a need for a hard runway in order that Rochester can fulfil a strategic role of providing for more business general aviation in the south east. Spare capacity exists at existing airports such as LBHA in the South East. It could therefore be inferred that a tarmac runway is required to accommodate a wider range of aircraft. Under its lease with the London Borough of Bromley, LBAH is able to operate a total of 125,000 movements per annum. It currently only uses 32% of this and hence sufficient authorised business capacity already exists in the South East. There is no robust evidence of new demand that will support the new runway at Rochester Airport. The introduction of such a new facility might have the effect of diluting the clear offer that currently exists in the London airport system for business and general aviation, notably at Biggin Hill. Given Biggin Hill is recognised in policy terms by the SOLDC policy of the London Plan, the capacity of Biggin Hill should be taken into account in determining the need for development at Rochester Airport.

In the absence of a strategic policy relating to the future of the Airport and the lack of technical studies and robust evidence to support the proposals for upgrading the operational infrastructure at the Airport, there is no clear need for the proposals, and it would appear premature to adopt the masterplan in its current status.

We trust the above will be taken into consideration in the process and would be grateful if you could keep us updated on the status of the masterplan and any future planning applications at Rochester Airport.

Yours sincerely

P.P. **Jill Bell**
Senior Planner

Copy

From: Christine Gurr [stjames@iog-pc.freeseve.co.uk]
Sent: 20 September 2013 18:21
To: ldf
Subject: Rochester Airport Consultation

I refer to email dated 3rd September 2013 from Catherine Smith giving details of the above consultation.

My members discussed the proposals at a meeting on 17th September and agreed unanimously to support the proposals outlined in the Rochester Airport Masterplan.

Regards

Christine

Parish Clerk

St James, Isle of Grain, Parish Council

Email: stjames@iog-pc.freeseve.co.uk

Tel/Fax: 01634 271412

crayford, ross

From: Craddock, Michael (UK) [Michael.Craddock@baesystems.com]
Sent: 15 November 2013 16:49
To: kidd, richard
Subject: RE: Rochester Airport masterplan - consultation feedback

Richard,

Short line for your cabinet paper:

“BAE Systems support the council’s vision for Rochester Airport for ‘smaller but better’, and the opportunities to deliver the council’s vision to create a major hub for high-quality technology and knowledge-based employment in the area.”

Kind regards

Mike

From: kidd, richard [mailto:richard.kidd@medway.gov.uk]
Sent: 06 November 2013 16:07
To: Craddock, Michael (UK)
Subject: Rochester Airport masterplan - consultation feedback

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Dear Michael

I hope you're well. I sent you an email a couple of weeks ago (copied to Allan Dowdy) to request your feedback on the Rochester Airport masterplan, but have not received a reply as yet. I would be very grateful if you could do so based on the final documents sent with my last email. Your reply doesn't have to be too long, but we are fast progressing towards writing the next Cabinet Paper on the masterplan proposal and it would be very good to include your opinion.

Thanks and regards

Richard

Richard Kidd
 Business Development & Projects Officer
 Housing and Regeneration Division
 Regeneration, Community & Culture Directorate
 Medway Council
 Gun Wharf
 Dock Road
 Chatham
 Kent

ME4 4TR

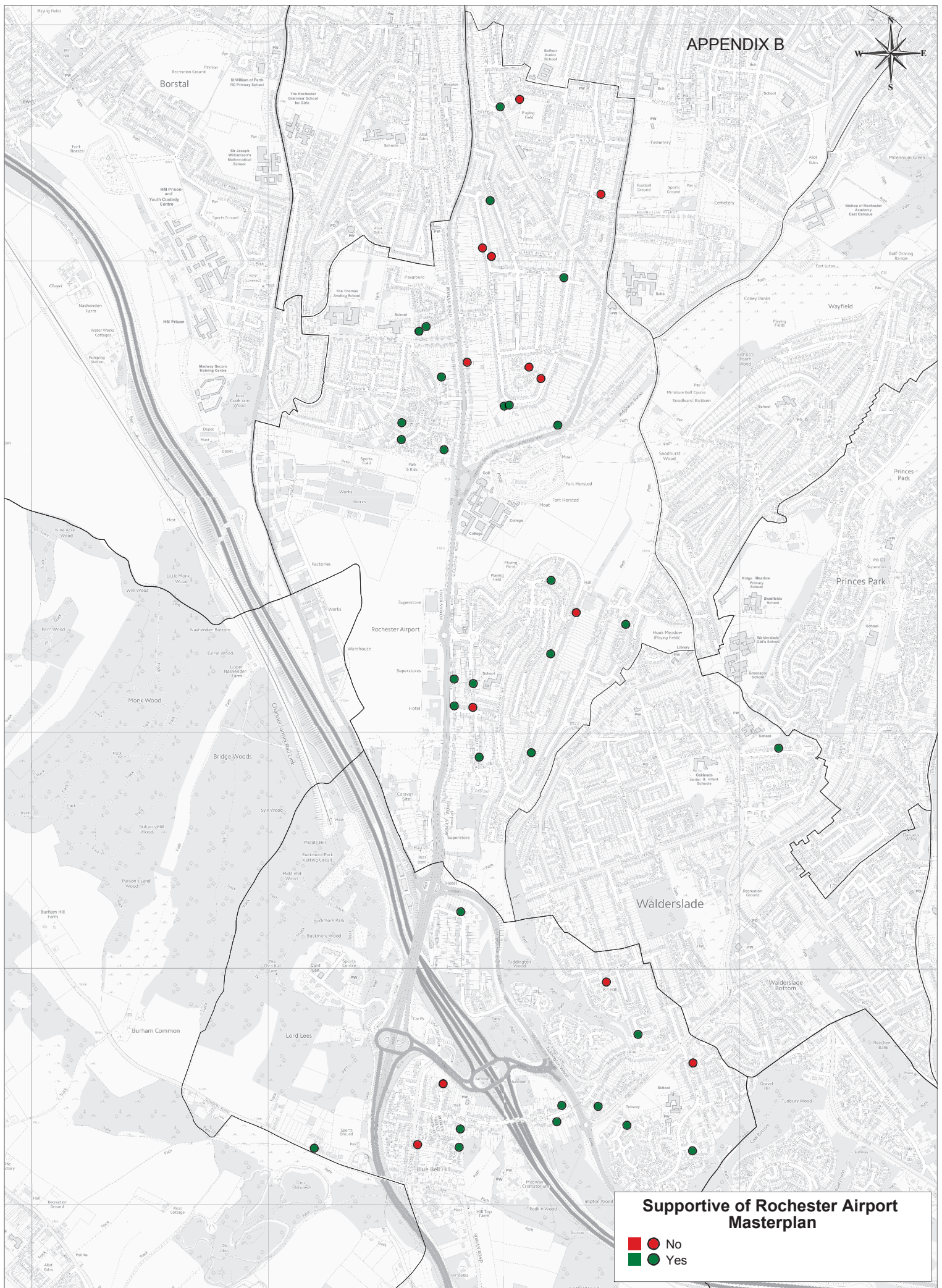
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Location and Opinion of Initial Rochester Airport Location Consultation Respondents in Close Proximity to the Site



Location & Type of Rochester Airport Consultation Responses in Close Proximity to the Site

Issues set out in pre-printed response forms.

Your comments

I strongly disagree with the masterplan because:

- There is No evidence that this Medway Council has considered alternative options for the future use of the airfield land for Medway and North Down's (sic) residents as a whole which do not exploit or endanger the lives of thousands or families and their enjoyment of life.
- There will be NO protection whatsoever for Medway and North Down's (sic) residents from the Environmental Protection act 1990, Noise Act 1996 or statutory laws to control or prevent noise nuisance and pollution from a commercialised Rochester airport.
- The masterplan is financially unsound without a huge increase in commercial and leisure air activity.
- By commercialising Rochester airport with a single paved runway Medway Council will intentionally and knowingly overburden the local area with aviation activity to the detriment of local property values.
- It will severely impair the quality of life for thousands of Medway and North Down's (sic) families for at least 25 years through increased air pollution and noise.
- Increased air activity coupled with the concentration of air traffic onto a single runway heightens the danger for 18 nearby schools, (within 1600 metre radius), nursing homes, and thousands of local residents from stricken aircraft.
- It increases Medway and Tonbridge and Malling Carbon Emission footprint in blatant disregard to Government carbon emission reduction targets.

What changes (if any) would you like to see to resolve these comments?

- Medway Council should scrap the masterplan and explore a range of options for the future use of the Rochester airport site from continuation in its current form with protection for residents through to development with green space and leisure.
- Any future Medway Council publicity should not seek to persuade public opinion and only present objectively advantages and disadvantages for each option.
- The range of options should be offered through a public consultation for Medway residents and those in neighbouring Tonbridge and Malling (within the ME postcode area) to choose their favoured option for Medway Council adoption and implementation.

Appendix D

List of Consultees to draft Rochester Airport Masterplan

7300 households and businesses within the vicinity of Rochester Airport, including properties in the administrative area of Tonbridge and Malling Borough Council,

Businesses and Universities across Medway

Locate in Kent

Tonbridge and Malling Borough Council

Maidstone Borough Council

Gravesham Borough Council

Swale Borough Council

Dartford Borough Council

Kent County Council

Allhallows Parish Council

Cliffe and Cliffe Woods Parish Council

Cooling Parish Council

Cuxton Parish Council

Frindsbury Extra Parish Council

Halling Parish Council

High Halstow Parish Council

Hoo St Werburgh Parish Council

St James Isle of Grain Parish Council

Stoke Parish Council

Cobham Parish Council

Upchurch Parish Council

Wouldham Parish Council

Aylesford Parish Council

Burham Parish Council

Boxley Parish Council

Birling Parish Council

Bredhurst Parish Council

Higham Parish Council

Snodland Town Council

Environment Agency

Natural England

Highways Agency

English Heritage

Kent Fire and Rescue Service

EDF Energy

E.On UK

Southern Gas Networks

South East Water

Sport England

Design Council

Marine Management Organisation

Health and Safety Executive

Kent Downs AONB Unit

Kent Wildlife Trust

Thames Gateway Local Nature Partnership

Kent Air Ambulance

APPENDIX E

Notes of Business Focus Group, September 2013

The meeting was attended by Medway Council officers, a representative from Rochester Airport Limited and representatives of local businesses and the Medway Economic Partnership.

Council officers outlined the background and proposals for the draft masterplan for land at Rochester Airport. The Rochester Airport (RAL) representative explained plans for investment in the airport facility.

A key aim of the Medway economic development strategy was to provide higher value skills opportunities. Experience was that there was difficulty in retaining skilled people in the area, and there was a need to bring forward sites that have potential to retain skilled jobs in the local area.

Medway GVA was £13,100 per person; compared to £21k in Kent, and £28k in higher value areas. Rochester Airport was a key site to realising the ambitions to narrow the gap. Medway Innovation Centre was successful in offering a quality location with good access, ICT and flexible terms on leases at unit sizes in demand.

There had been an assessment of what would be viable to develop on the site. At the southern end, this would be more B1 business/office uses, and perhaps some light manufacturing, and a hotel. The building heights would be determined with reference to the safeguarding area.

There were opportunities for aviation related businesses, with a focus on higher technical/value uses linked to BAE and the airport. There was also potential to build on links to education and skills sectors. The airport operator had already received interest from businesses wanting to work at the airport, ie, aviation engineering, and expansion of a flying school operation to develop into airline pilot training. The company was speaking to local universities about offering this training. There was also interest in setting up a showroom for aircraft.

Heritage was another aspect of the proposals, particularly in developing a base for MAPS. The society had an excellent reputation and it was in need of better accommodation, which could be developed into a heritage centre. MAPS would like to run an apprenticeship scheme, training in specialist manufacturing skills. The plans also consider an enhanced food and drink offer linked to the airport, and visitor access to MAPS.

The paved runway was considered vital to the airport operations, and it addressed the difficulties experienced with waterlogging. There had been concerns raised about the closure of one runway and concentration on the other runway. The paved runway would allow for quieter take off and landings. There would not be larger aircraft using the airport. RAL would like to encourage more air taxi business, which could be a useful service for local

businesses. It was a time saving means of travel, and was competitively priced when compared against train fares and hotel accommodation for 3-4 employees travelling. This was considered a good offer to attract businesses to the area.

The volume of traffic and the scale of operations in relation to the Masterplan proposals was queried. RAL confirmed that the airport would not be accommodating jet aircraft, due to the length of the runway, and the higher costs that would be required for air traffic control and fire cover. The market would continue to be turbo-prop aircraft serving the UK and near Europe and there were opportunities to expand the air taxi business. The airport would keep around the same market and potentially attract quieter aircraft. The general view from the group was that the noise/traffic associated with the airport was not that noticeable. Runway 02/20 would see a 30% increase in use. RAL challenged the view that suggested a poor safety record at the airport. This was not borne out in records and there were strong safeguarding measures at the airport to ensure safety. It was noted that Rochester Airport had recently been awarded Best Aerodrome of the Year.

Traffic concerns had been raised by local residents and they sought opportunities to improve roads, particularly the B2097. It was noted that there were often speeding issues on the B2097, and that there can be an issue with lorry access on Lankester Parker Road, particularly in association with traffic for the Temple. It can be difficult exiting the industrial estate at the end of a working evening. This was also an issue on the A229, exiting from the Innovation Centre.

The impact of further pilot training on traffic levels was queried. This would be limited and involve small numbers of vehicles. There could be some impact with increased traffic at weekends related to heritage/visitor activities at MAPS. There was greater potential for training operations at Rochester now, given that Biggin Hill was developing as a business jet base, and Southend had increased its passenger operations with Easy Jet. A hard runway was needed for commercial pilot training. RAL is working with Universities locally with potential for further business developments.

There was seen to be a limited supply of quality and flexible commercial space in Medway, and businesses were interested in establishing/expanding in the local area. It was also difficult to find suitable warehousing sites. Businesses want freehold sites, but they are not available. Laker Road was considered a good location, close to the airport and M2. There are not many sites with good motorway access. There were also good links to London by train. The issue of the time taken to exit the airport/MIC site at peak times onto the A229 could impact on the perceptions of accessibility. It was important that the proposed development does not create congestion for existing and new businesses.

It was considered that the reference to the airport in the name of the industrial estate was an enhancement to businesses. There were seen to be opportunities for airside businesses with access to the airport.

Were there any learning opportunities from Manston's experience? It was RAL's view that it was correct to keep Rochester airport's operations and business mix as existing. Southend Airport has ejected a number of flying schools to accommodate EasyJet.

There is demand from young people in local education and training for higher quality jobs locally. The Medway Innovation Centre is now fully occupied with a waiting list with much interest for more space here. There is a clear demand for small offices on a flexible and serviced basis. The MIC had a significant impact on GVA, with some businesses working on high tech products. Some companies are expanding and moving on

The differentiation of the airport site as a business location was linked to the quality of transport, location, skills and quality of building. A key issue for land disposal was to have a list of potential clients with an interest in the site.

Key messages:

- Interest in good quality business location
- Support for links with airport
- Motorway access and airport location attraction
- Ensure congestion does not detract from accessibility
- Opportunities for further business development linked to airport operation.
- Potential for greater use of taxi services at airport by local businesses

Glossary

CAA	Civil Aviation Authority
MAPS	Medway Aircraft Preservation Society
SPD	Supplementary Planning Document

Rochester Airport Masterplan

January 2014

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The Vision

Rochester Airport and adjoining land will be developed as a strategic gateway and economic hub. The existing general aviation airport will be retained and improved and high value economic activities provided on surplus land to create skilled employment opportunities. This will capitalise on the presence of the existing BAE facility. An opportunity to enhance working aviation heritage facilities as a public visitor attraction will also be achieved. The open outlook provided by the airport will be retained and improved. Over the longer term reinvestment will be encouraged on the Laker Road and Airport industrial estates and other adjoining sites. This will establish Rochester Airport as an economic location of real significance and a model for the area.

1 Introduction

1.1 Rochester Airport is owned by Medway Council and is a vital part of Medway's future economic prosperity. The Council wants the airport and adjoining land to provide a strategic gateway to Medway and an economic hub. This hub will create skilled employment opportunities that will capitalise on the presence of the existing BAE facility, so establishing Rochester Airport as an economic location of real significance and a model for the area.

1.2 Medway Council is committed to retaining and improving the airport. The airport's facilities are nearing the end of their economic lives, and investment is needed to secure the airport's medium to long-term future. Medway has developed a strategy of making the airport 'smaller but better' with improved facilities for users and visitors. The main change will be removing one of the two grass runways, and constructing a new hard-surfaced runway and parallel grass runway on the alignment of the existing 02/20 runway. The proposed changes are explained in more detail in chapter 2.

1.3 These changes will free up land for employment-led development next to the airport. New development provides the opportunity to:

- meet Medway Council's aspirations for the area by creating a hub for knowledge-based employment; and
- release value from Council-owned land, so helping to fund improvements to the airport.

1.4 In addition to new employment, the development of the area will:

- enhance working aviation heritage facilities as a public visitor attraction;
- retain the open outlook westwards across the airport; and
- over the longer term, encourage reinvestment on the Laker Road and Airport industrial estates.

1.5 Whilst there are planning policies identifying the area as a hub for high quality employment, there are no specific policies that protect the airport. This document is intended to set out clear policies for both the airport and the surrounding area by providing a masterplan. It has been subject to public consultation and Sustainability Appraisal, and so has followed appropriate planning procedures for the masterplan to be given significant planning weight.

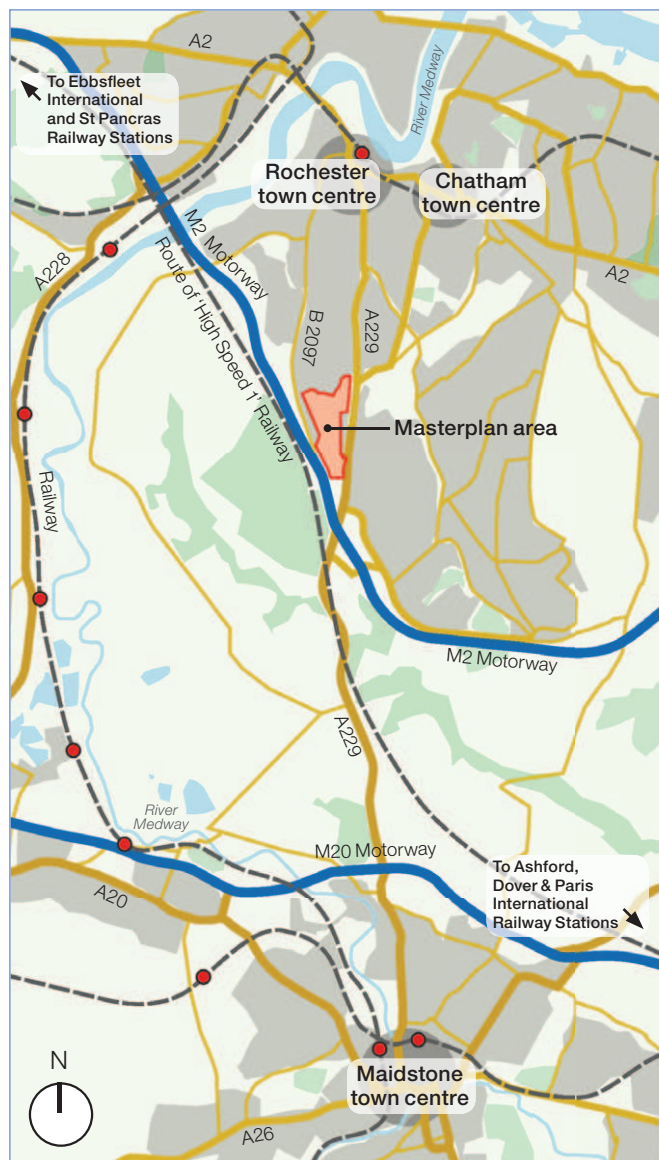


Figure 1.1: Location of the masterplan area

1.6 This document provides guidance on the principles of development, including land uses, access and building heights. However, as it is a masterplan for the long-term, it does not dictate the detail of exactly what buildings will look like and where they will be located. This level of detail will be set out in planning applications that come forward after this masterplan is adopted.

1.7 Planning applications that come forward in the future will be required to clearly explain the impacts of environmental issues such as traffic generation and noise, and how the proposals will address any impacts. Local people will be consulted on any planning applications.

2 The future of the airport



Figure 2.1: Extract from Medway public information leaflet, December 2012

Introduction

2.1 First established in 1933, the Rochester Airport site is owned by Medway Council and has been leased since 2000 to an airport operator - Rochester Airport Limited (RAL). Many of the buildings and facilities on the airport are reaching the end of their useful life. This means that Medway needs to consider how to safeguard the important aviation activity that happens at the airport and help improve community access to this unique facility.

2.2 Rochester Airport is important to many people living in Medway and is something that Medway Council has committed to securing a long-term future for. The Council has been working for a number of years to identify a financially viable way to protect the airport and provide greater public access for aviation and heritage/leisure use.

2.3 Working with airport specialists and neighbouring businesses including BAE Systems, the Council has evaluated a number of different options for the future of Rochester Airport. The proposals shown in Figure 2.1 above show Medway's preferred approach to improving the airport. This was set out in a leaflet that was circulated to local people in December 2012.

2.4 Following on from the publication of the leaflet, Medway has worked to safeguard the future of the airport by:

- completing a process of inviting tenders for an airport operator to work in partnership with the Council to carry out improvements to the airport, and to manage it long-term. RAL has been selected as the preferred operator, and is working closely with Medway to develop detailed plans for the airport; and
- producing this masterplan to provide a clear vision for the future of the airport area.

The proposals for the airport

2.5 This masterplan is not intended to provide a detailed masterplan for the future development of the airport. Instead, it sets out broad principles for the airport and the areas next to it. These broad principles provide a balance between certainty as to what will happen and flexibility to allow for detailed design decisions to be made later. However, improving the airport will involve:

- major improvements to existing airport facilities on their current location on the airfield;
- better public access to the site for heritage, leisure and tourism;
- a new permanent home for the nationally recognised Medway Aircraft Preservation Society (MAPS);
- creation of new parallel paved and grass runways to replace the existing 02/20 grass runway, as well as improvements to navigation aids and outdated facilities; and
- closure of the old 16/34 grass runway.

2.6 The benefits of these improvements will include:

- safeguarding Rochester Airport as a 'smaller but better' sustainable airport with improved facilities for Medway residents and visitors;
- releasing new land for job creation - with the potential to eventually create up to 1,000 new skilled jobs;
- providing a new aviation heritage attraction to encourage more visitors to Medway;
- preserving the existing green view of the airport from Maidstone Road, as well as reducing aircraft noise around the airport through the use of a paved runway; and
- creating opportunities to attract private sector investment into Rochester Airport by offering a 25 year lease alongside a Council contribution to the overall development.

Consultation

Process

2.7 The Council sought to carry out broad consultation in the development of the Masterplan for Rochester Airport. This included wide publicity on the proposals to consider changes at land at and around the airport from late 2012. An initial consultation was held in Spring 2013 to discuss the emerging plan and issues with residents and wider stakeholders. Details of this first stage of consultation have been published in a Consultation Feedback Analysis Report¹

2.8 A formal consultation was held from 22 July to 20 September 2013. This was carried out in line with the Council's Statement of Community Involvement that sets out the standards by which consultation on planning policy are conducted. The length of the formal consultation made allowance for the summer period, by extending the time in which people could make responses. The Council sent a leaflet to 7300 households and businesses in the local area outlining the Masterplan proposals and encouraging people to respond to the consultation.

2.9 The consultation sought to provide a range of options in how people could respond.

2.10 Medway Council officers and representatives of Rochester Airport Limited staffed an exhibition held over two days on 22 and 23 July 2013 at Medway Innovation Centre. The venue was selected for its proximity to the airport, and therefore convenience for local people. 222 people attended the exhibition. Consultation feedback forms and copies of the proposals were available for visitors at the exhibitions. The exhibition display panels remained on display at the Innovation Centre for the duration of the consultation period.

2.11 Information on the proposals and the draft Masterplan were published on the Council's website. People were able to submit comments on line. Copies of the Masterplan were available to view at each library in Medway, and at the reception desk at the Council's offices at Gun Wharf.

2.12 Statutory organisations, neighbouring Councils, parish Councils, interest groups, and businesses were notified of the consultation on the Masterplan and invited to make their comments. A focus group was organised to seek the views of businesses on the proposals, as part of the consultation process.

1 www.medway.gov.uk/rochesterairport

Responses

2.13 The Council received 908 responses to the consultation held from 22 July to 20 September 2013. The majority of the responses (over 80%) were received in association with a campaign set up to object to the Masterplan proposals. Just under 80% of all responses were strongly opposed to the Masterplan, reflecting the high proportion of replies submitted in support of the campaign against the Masterplan. In considering the responses received independently, more mixed views are seen, with a small majority in support of the Masterplan.

2.14 90% of the responses received were from local residents. 3% were submitted by businesses, and 7% from others, including statutory organisations invited to make comments on the consultation. Many of the local residents lived in locations directly under the flight path connected to the runway 02/20, which would see an increase in use following the closure of runway 16/34.

2.15 The Council analysed the comments made in response to the consultation.

2.16 It is noted that the responses received to the formal consultation on the Masterplan from July to September showed a stronger objection to the proposals than the views expressed at the earlier stage. A number of people who had engaged in the Spring consultation chose not to participate again in the formal consultation process.

Concerns raised

2.17 Assessment of all the responses that raised concerns with the Masterplan identified a number of commonly recurrent matters:

- Increase in air traffic activity, associated with a commercialisation of the airport
- Noise, particularly in association with increased activity
- Increased risks to safety, particularly in relation to increased activity
- Road traffic impacts
- Specific aspects of the design components of the Masterplan
- Limited consideration of options for the site
- Negative impact on property values
- Use of public funding

2.18 In proposing changes to the Masterplan, respondents frequently asked for the Masterplan to be abandoned and for a new consultation to be carried out. With regard to the airport, some sought its closure, and

relocation of the facility or operations to another site. Others wished it to remain operating on its present arrangements.

Grounds of support

2.19 In reviewing the comments made in support of the Masterplan, there were also a number of common themes. These were:

- Securing the role of the airport as an important asset for Medway, supporting community services, recreational users and businesses.
- Much needed improvements to the infrastructure and facilities at the airport, including the benefits arising from a paved runway
- Promoting local heritage assets, particularly supporting the work of the Medway Aircraft Preservation Society
- Economic development and regeneration

2.20 The Council considered the concerns raised through the consultation and made a number of amendments to the draft masterplan:

- a reduction to the annual cap on aircraft movements and operating hours for flying at weekends
- further information on the anticipated markets from leisure, public service, training and commercial uses, including the restrictions on the type of aircraft that would be able to land at Rochester.
- additional information to clarify the distinctive characteristics and offer of the site for employment and aviation purposes
- higher promotion of the heritage value of the site, and its reflection in the marketing of the site for high quality employment
- greater consideration of the site's environmental and wider context, the need to protect key views, and residential amenity
- outline of the process for seeking planning permission, and other consents for development at the airport and employment land, including the areas in which detailed information will be provided, the consultation and assessment requirements.

2.21 More details on the consultation process, including full copies of the responses received and the Council's consideration of the issues raised are available on the Council's website.²

2 <http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=21903>

Key airport questions answered

2.22 Through consultation sessions, a number of questions were raised about the future operations of the airport, with people wanting to know the detail of the types of aircraft, numbers of flights as well as understanding where new facilities may go. As RAL is developing its plans for the future of the airport in parallel with the process of producing this masterplan, it is not possible to provide detailed information on the airport at this stage. However, improvements to the airport will need planning permission. Local residents and businesses will be consulted on the planning application and will have the opportunity to put forward views about the proposals.

2.23 However, it is possible to answer some of the questions raised by local people at this stage:

What kind of aircraft will use the airport? The type of aircraft are expected to remain similar to those that currently use the airport, with the airport's core business remaining as leisure flyers, along with helicopter and air taxi uses. It will not become a busy passenger or cargo airport as the runway is not long enough. Examples of aircraft are shown overleaf.

Will the airport be busier? Over the past ten years, the airport has handled an average of over 31,500 aircraft movements per year or 86 movements per day. This varies from year-to-year, and the variation is due to a number of factors - fluctuating demand for emergency services and how economic conditions affect leisure movements, for example. There are currently no restrictions on the number of movements. If planning permission is granted for the improvements, it is likely that a restriction on the number of movements to 40,000 per annum or an average of 109 per day is considered appropriate and in line with, but not exceeding, the airport's busiest years. The cap on movements would be subject to review to allow flexibility. This would be subject to evidenced data being provided by the operator to justify doing so. Consideration of the impact on local amenity would also need to be considered carefully. Careful monitoring will be in place to check the number of movements.

The paved runway will mean that - in the case of inclement weather - movements can be spread throughout the day rather than concentrated in 'weather windows'.

Will having just one runway reduce safety? The paved runway will improve safety - a grass runway is slippery when wet and can be boggy. Runway 02/20 is currently used for around 70 per cent of the time, as it has a better alignment in relation to wind direction than runway 16/34.

Civil Aviation Authority guidance confirms that a hard runway can increase safety. AIC (127/2006)³ issued by the CAA discusses aircraft performance. The document shows a comparison between grass and hard surfaced take offs, with planes on the latter needing 20-30% less runway and landing aircraft 15-35% less. By definition, if a departing aircraft needs less runway it will be higher at the boundary, which provides a positive safety message.

It is anticipated that less than 10 per cent of the time the airport will be unusable due to high crosswinds. Each aircraft (and some operators) has individual crosswind limits. It is down to the individual pilot or operator to assess wind conditions at the time of flight. This is one of the many calculations made by all pilots prior to getting in their aircraft. It has been assessed that the airport will lose far fewer flights to crosswinds than currently to unsuitable field conditions.

The airport operator has a very good safety record. Rochester Airport will continue to be licenced by the Civil Aviation Authority, who take matters of safety very seriously. The airport will be subject to full annual inspections and re-assessments. The development works to the airport will also be subject to CAA licensing review, in addition to the assessments made through the planning application process.

Will there be more noise? Having a paved runway means that aircraft will be able to accelerate more quickly than on grass and take off earlier, a view that is supported by the CAA and the General Aviation Safety Council. This means that they will have climbed much higher before they pass over homes near the airport - which will result in less noise than at present.

In addition, the number of aircraft movements will be restricted at the airport, to within levels recorded in previous years.

What about hours of operation? There are currently no restrictions on when the airport can be used. It is likely that a restriction will be imposed if planning permission is granted. RAL have suggested maximum core operating hours of 7:30 am to 7:30 pm during the week and 8.30am – 5.30pm at weekends. Aircraft based at Rochester will retain the right to operate up until dusk or 9.00 pm as now. Emergency services and military will be able to use the airport 24 hours per day (as is the case at present). This matter will be addressed through the planning application process.

3 <http://www.caa.co.uk/docs/33/20130121SSL07.pdf>

Will there be more road traffic to/from the airport?

Leisure road traffic at weekends and bank holidays may increase but it is not envisaged that this will increase substantially during the working week from current levels.

The Masterplan recognises the importance of careful planning for transport movements, in the context of the wider area. A traffic impact assessment will be carried out at the planning application stage, and further details for management schemes proposed. This approach has been supported in the consultation response made by the Highways Agency.

Will the airport transform into a commercial aviation facility? There are no plans to transform the facility into a commercial airport, with regular scheduled and/or chartered passenger flights. Currently the airport operations consist of a mix of operations, including:

Leisure aviation	Helicopter sightseeing (London and Kent), Private Pilots Licence training, Microlight, Autogyro, fixed wing light aircraft and helicopters.
Public Service	Police, Air ambulance, Medivac fixed wing, Network Rail, Royal Navy, Army and Royal Air Force. Operating on a 24/7 basis.
Training	Training for a one off experience or to qualify for a licence, Microlight, Autogyro, Fixed wing and Helicopters and any conversion of different types. Including advanced training to Commercial Pilots Licence.
Business	Small business and Charter flights (single or twin engine), Fixed wing or Helicopters. In bound from UK/Europe for day trips or longer.

The runway will not and cannot be extended due to the airport's physical size, therefore its length prohibits the landing and take-off of larger aircraft. The types of planes that currently use the airport and that will use it in the future will not increase in size.

Rochester Airport is currently a Category 2c code runway. It will change to a 2b code runway, which limits the type of non-military aircraft to the airport (CAA CAP168⁴ Chapter 3, pages 2 and 3). The runway's coding defines the width of the runway, and the types of planes accessing the airport based on wingspan and wheelspan.

What type of employment will be generated on the masterplan site? The airport's direct operations have the opportunity to protect current jobs and the potential to provide some new ones with the development of more modern and diverse facilities.

Within the airport operator's lease boundary, there is also a commitment and opportunity to create aviation related employment that could diversify and benefit the airport's traditional operations.

The airport site is very well placed to create higher value employment on the land that will be released for development at the south and north of the site with the closure of Runway 16/34. This is due to a number of factors,

Examples of smaller aircraft



Figure 2.2: Cessna C-180



Figure 2.3: Spitfire



Figure 2.4: Eurocopter EC-135

⁴ <http://www.caa.co.uk/docs/33/CAP168.PDF>

Examples of larger aircraft



Figure 2.5: Piper PA-42



Figure 2.6: Socata TBM-700



Figure 2.7: Cessna Caravan C-208

including its excellent accessibility, visibility, access to superfast broadband, hotel availability, and co-location with existing prominent employers such as BAE Systems, Aeromet and several businesses based at the Innovation Centre.

Working with local academia and existing employers provides an excellent opportunity to attract and grow a prominent industry sector that is rooted in Medway.

What are the future plans for enhancing heritage facilities at the airport? Rochester Airport is home to the valued Medway Aircraft Preservation Society (MAPS), which has an illustrious history of rebuilding historical aircraft. Many of these have seen service during World War II.

There is a clear opportunity to maximise the positive contribution that MAPS brings to the airport site with its redevelopment. There is potential to enhance its working infrastructure at a gateway point to the airport and therefore diversify the airport offer into the tourism and visitor market.

MAPS could also provide valuable training opportunities in engineering for young people in Medway – there are clear linkages with Medway’s engineering focussed University Technical College.

Are the airport’s development plans subject to planning consent? Planning consent for the airport’s development proposals will be required. There will be an initial screening of the potential environmental impacts. The planning process may involve more than one planning application, with outline consent sought for an overall masterplan and detailed planning applications to follow for specific aspects of proposed development. The applications will be submitted with evidence and information on a number of technical matters. These include a range of environmental and amenity impacts, air quality, pollution, noise, ecology, landscape, flood risk and drainage, infrastructure and services, heritage, safety, details of operations, transport and traffic impact assessments, topographical and structural surveys as required, an economic statement.

Any planning application formally submitted will be consulted upon in accordance with the Council’s adopted consultation procedures. This will include statutory consultees and local residents and businesses. Given the nature of the development, the applicant will be expected to arrange public consultation on the proposals prior to the submission of a planning application. All material planning considerations raised as a result of representations received will be considered in the processing of the planning application.

In addition to the planning application process, the airport operator will need to seek licensing consents from the Civil Aviation Authority.

3 The masterplan area



Figure 3.1 Aerial view

Introduction

3.1 This chapter provides a description of the area covered by this masterplan and the technical issues that the masterplan will need to address. The chapter is organised under the following headings:

- land ownership;
- urban design;
- engineering and environmental issues; and
- safeguarding.

Land ownership

3.2 Creating one parallel runway opens up land surrounding the improved airport for development. The masterplan area encompasses several areas of land around the airport, and these are shown in Figs 3.1 and 3.2.

- A** Land currently occupied by part of the 16/34 runway.
- B** Land on a long lease to BAE Systems, partly used by BAE Systems for car parking.
- C** The Innovation Centre - there may be opportunities to extend this successful business location.
- D** Vacant land to the south of the Innovation Centre owned by Medway Council.
- E** Woolmans Wood Caravan Park. This is in private ownership.
- F** Potential for some new development within the airport area beyond its operational facilities, mainly providing new heritage facilities for the Medway Aircraft Preservation Society.

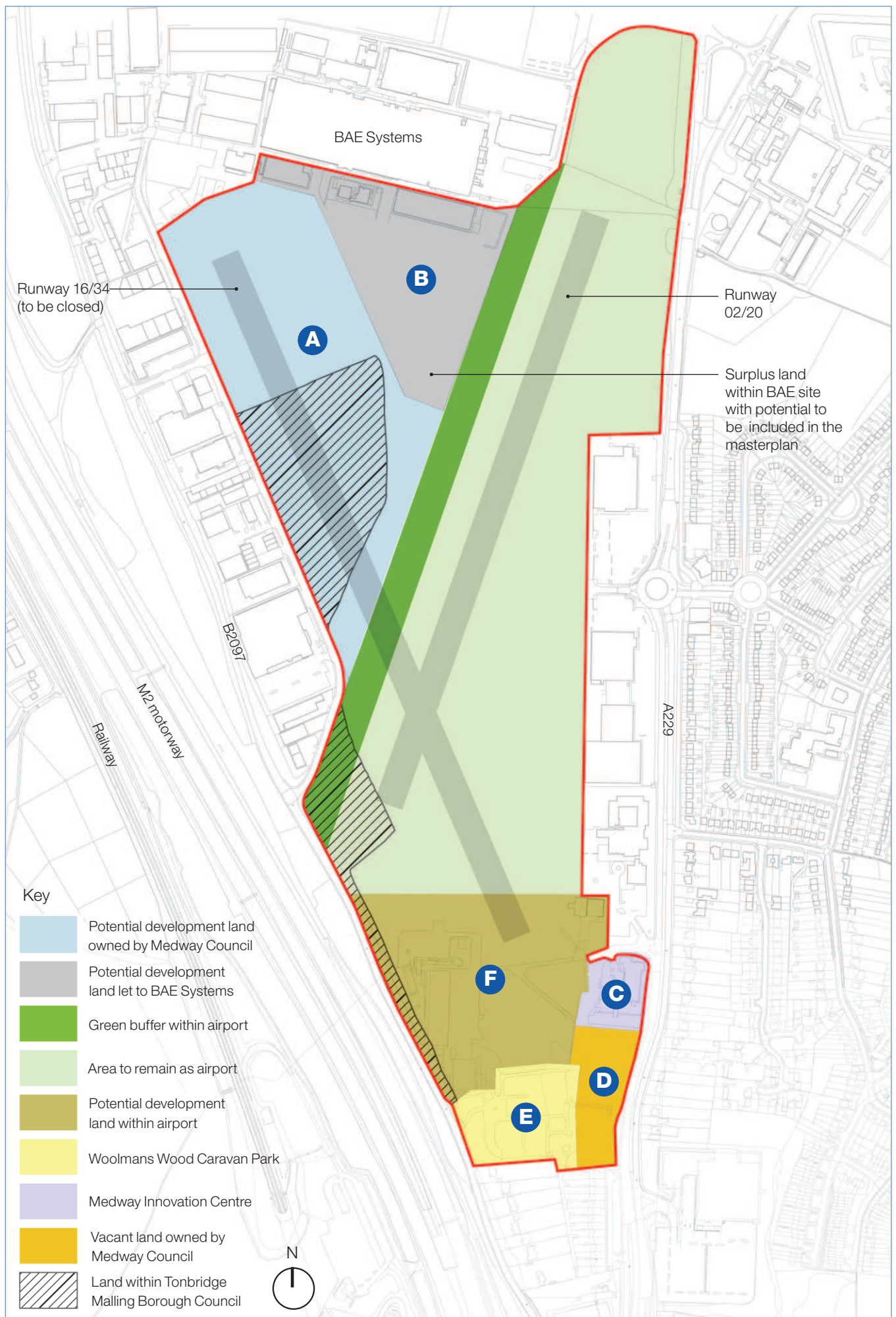


Figure 3.2: Plan showing the masterplan area

Urban design

3.3 It is important to understand the character of the masterplan area and its immediate context. This helps to guide the masterplan - are there areas where character is special and needs to be preserved? Is there an opportunity to improve the character of the area through new high quality development? Are there opportunities to improve the quality of the existing employment areas over time, so that the area as a whole is improved?

3.4 How the masterplan area connects with the local area is also important - where can vehicular access be provided? Where do pedestrians need to get to?

3.5 This urban design section addresses these two issues: character and access.



1: BAE Systems

- Mixture of industrial sheds and office accommodation.
- Between one and five storeys.
- Surrounded by perimeter fence. No public access in to or through this area.
- No uniformity between building styles and ages, varying heights, between one and five storeys.



2: Horsted Retail Park

- Double height retail units with parking - set back from Maidstone Road, Chatham.
- Holiday Inn Hotel - low rise between one and three storeys - separate access from retail units.
- Frontages vary - central part fronts on to A229 and forms relatively strong relationship with road.



3: Airport

- Varied accommodation including: 2 Hangars, Flight School, Aircraft Preservation Society, gun club, cafe, control tower, museum, function room.
- Some accommodation in poor condition and in need of replacement.
- Two grass runways.



4: Laker Road Industrial Estate

- Variety of varying office and industrial/manufacturing uses. No frontage to B2097.
- Accessed along Laker Road.
- No uniformity in building types, materials, heights or forms.
- Frontages along Laker Road are not uniform a - variety of fronts and backs overlook the airfield. This gives a somewhat untidy appearance.





5: Rochester Airport Industrial Estate

- Variety of building types including offices and industrial. Some leisure and retail uses along B2097 (above). More formal frontage makes this part of the site seem more organised.
- No uniformity in building types, materials, heights or forms - results in a somewhat untidy appearance.



6: Southern area

- Heavily treed Woolmans Wood has 'private' character with limited views from outside the site.
- Vacant land presents unattractive frontage to the A229.

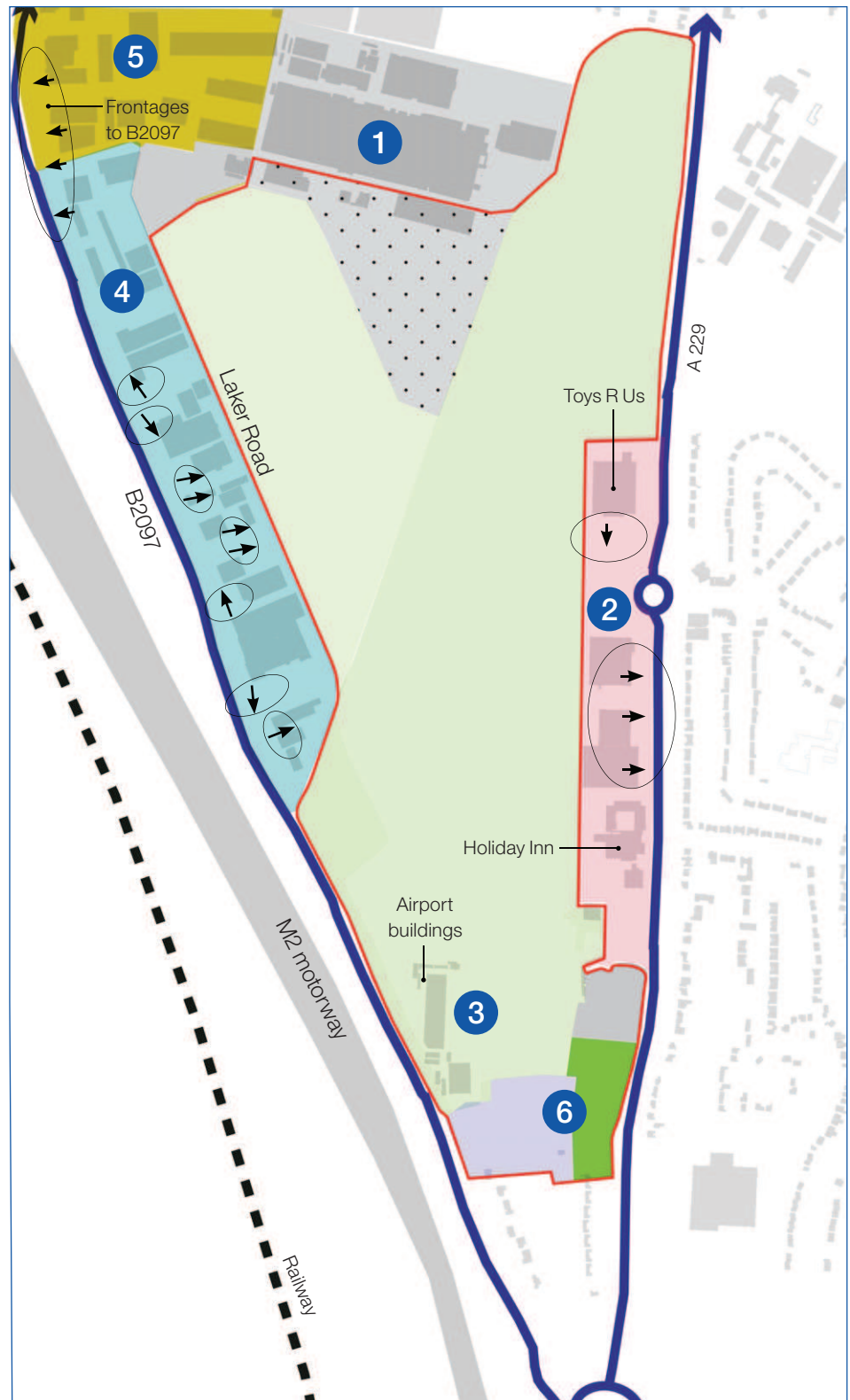


Figure 3.3: Plan showing character areas

Access and circulation: urban design issues

3.6 In its wider context, the site is well-connected to the road network. However, access onto the airport is limited. The main access is from the Maidstone Road, Chatham, which is poorly signed and is shared with a hotel at the southern end of the airport's eastern boundary and Medway's Innovation Centre, the latter of which hosts in excess of 250 jobs. The main access becomes busy at rush hour times and can cause delays to vehicles leaving the site.

3.7 As the main airport accommodation is located on the southwestern side of the field, access to this area is taken close to the southern end of runway 16/34. As this is crossed by aircraft, the road is controlled by a traffic light system operated from the control tower. Queues can build up here when there is a high level of runway usage. Emergency access points are located at the southwestern, eastern and western boundaries.

3.8 The aim of the masterplan is to deliver new employment-led development that can meet Medway's aspirations for high quality jobs, along with improved access to the airport facilities, particularly those to which the public wish to gain access (such as MAPS). An essential part of the masterplanning process is therefore to create high quality, legible access points (or 'gateways') to the new development. The site is challenging in this regard. Figure 3.4 opposite highlights the key opportunities, and these are:

- **8:** the existing primary access to the airport from the A229;
- **4:** from the southern corner of Laker Road, which has the advantage of taking drivers straight into the development area; and
- **3:** direct access via Lankester Parker Road.



1: Entrance to Rochester Airport Industrial Estate

- No access to development land and no visual connection with airfield.



2: Entrance to Rochester Airport Industrial Estate

- No access to development land - potential to connect to Laker Road?



3: Entrance to Laker Road Industrial Estate

- Public access to industrial and business space along Laker Road.
- Visual connection to airfield.



4: Entrance to Laker Road Industrial Estate

- Visual connection to airfield, although obstructed by trees.
- Potential to develop buildings as gateway.



5: Airport (back door)

- Not currently legible as a point of entry.



6: Entrance to caravan park

- Secluded entry point amongst heavy planting.



7: Entrance to freehold development land (not used)



8: Primary access

- Innovation Centre naturally marks entry.
- Access from A229 Road is difficult.
- Visual connection to the airport is weak.



9: Marconi Way

- Public access to existing park and ride.
- Access to BAE Site (private /secure only).
- No access to airfield currently.



Horsted Retail Park

- Serves retail units.
- Visual connections with airfield.
- No potential for vehicular access to airport land.

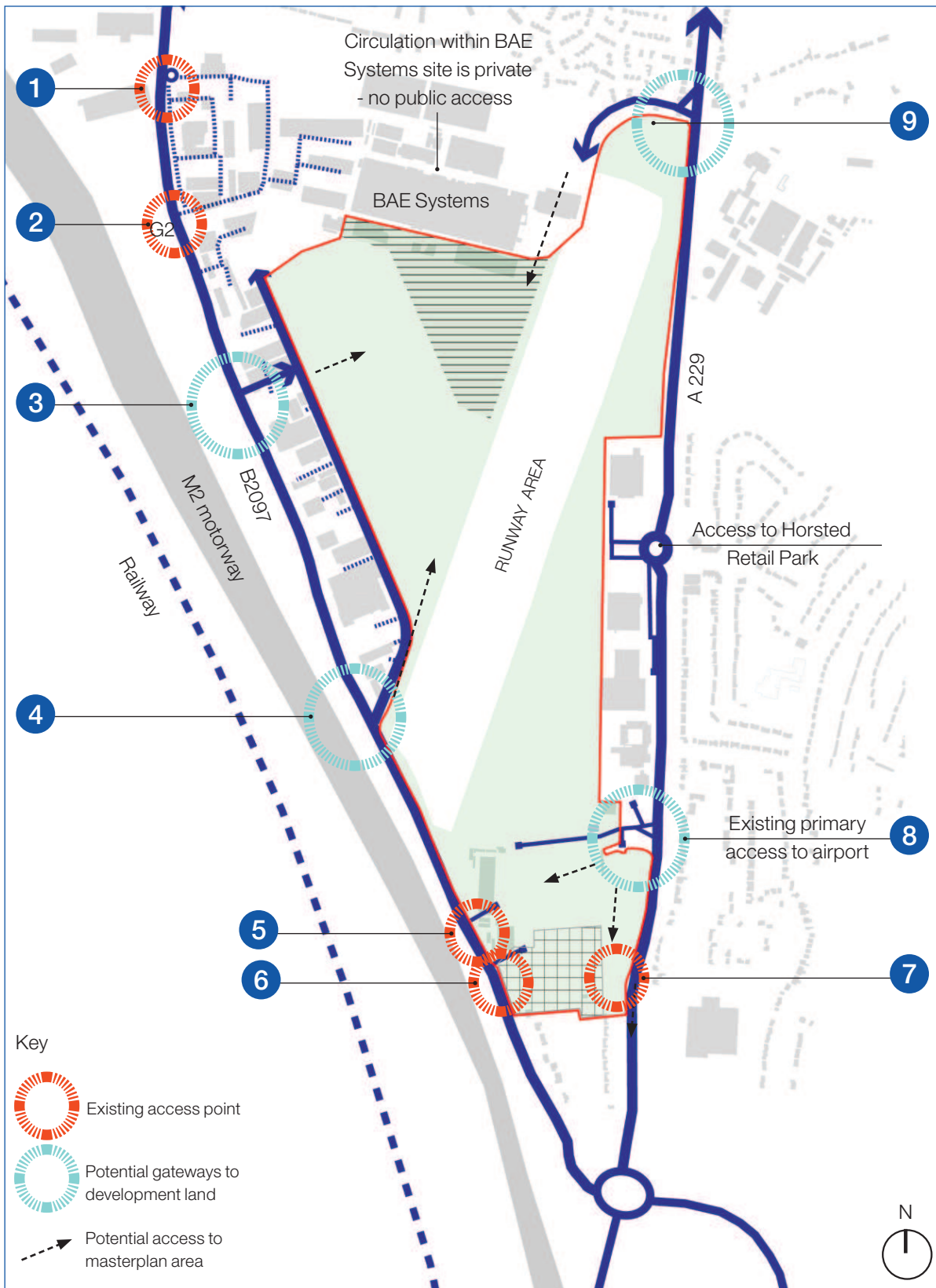


Figure 3.4: Access and circulation plan

Engineering and environmental issues

3.9 The key engineering and environmental issues considered at this high-level masterplanning stage are:

- access and circulation: technical issues;
- site history, and in particular the potential for ground contamination, unexploded ordnance and underground features from the Second World War; and
- ecology, trees and landscape.

3.10 Noise has been considered in relation of the proposed uses - that is, checking that employment, hotel and cafe/restaurant uses and the airport are compatible. Detailed technical issues, including noise, will be considered at planning application stage.

Access and circulation: technical issues

3.11 **Existing road network:** The masterplan area is bounded by the A229 Maidstone Road to the east and the B2097 Rochester Road to the west. These roads meet to the south of the site at the Bridgewood roundabout interchange with the A229 continuing to the south via a grade-separated flyover and a signalised roundabout giving access to the B2097 and the A2045 Walderslade Woods which runs to the south and east of the junction.

3.12 To the south of the Bridgewood roundabout is another grade-separated junction which connects the A229 to the link road leading east to the M2 motorway. The M2 grade separated interchange also gives access to the A2045 to the east meaning that there is some route choice available for drivers travelling between the A229, M2 and A2045.

3.13 Towards the north, the B2097 Rochester Road, Rochester becomes the B2097 Maidstone Road, Chatham as it approaches Rochester town centre. The A229 Maidstone Road continues north and meets the Horsted Gyratory where the A229 City Way continues north to Rochester town centre and the A230 Maidstone Road, Chatham continues northeast to Chatham town centre.

3.14 **Walking and cycling:** The majority of the existing pedestrian and cycle facilities are to the east of the airport with limited facilities in the vicinity of the B2097. There are no footways on a section of the B2097 to the south of Laker Road. Existing pedestrian facilities include a signalised crossing on the A229 providing access to the Davis Estate

area and southbound bus stops on Maidstone Road. There is a cycle route along the A229 consisting of both on-street and off-street paths. This route connects the Walderslade area with Rochester town centre.

3.15 **Public transport:** The area is served by a number of bus routes, primarily service 101 which runs via the A229 to Maidstone in one direction and Chatham and Gillingham in the other direction. In addition to this route there is service 185 which runs between Chatham and Lordswood and Walderslade. On the western side of the site, service 142 operates via Warren Wood between Blue Bell Hill village and Rochester and Chatham.

	Peak	Daytime	Evening
101	4 per hour	4 per hour	1/2 hourly / hourly
185	hourly	hourly	-
142	-	hourly	-

Table 3.1: Weekday frequency of local bus services

3.16 Most buses used on the 101 carry a distinctive colour scheme to create awareness of the frequent service. The 101 buses are fully accessible with ramps at the entrance to allow those in wheelchairs to board and alight with ease. The buses are fitted with free Wi-Fi capability.

3.17 The bus stops closest to the Innovation Centre are located adjacent to and opposite the Holiday Inn. Facilities comprise only a bus stop flag on the southbound stop and a bus stop flag and shelter with seating on the northbound stop. The southbound stop is accessible via the signalised pedestrian crossing further to the north across the A229.

3.18 **Potential transport improvements:** The location of the site means that it is most accessible by private car. Whilst there are opportunities for improvements to walking, cycling and public transport, a key consideration is the operation of major junctions in the local area. The key junctions are:

Horsted Gyratory: Medway Council has developed a three mini-roundabout improvement scheme. This is being tested and the geometric layout fine-tuned. There may be a need to explore traffic lights to assist:

- BAE traffic exiting the site in a southbound direction, although major delays have not been observed; and
- egress from the proposed new fire station which is to be located at the currently disused park and ride site.

The potential for safeguarding a strip of land around the airport boundary for any future highway improvements / pedestrian or cycleway should be explored.

Retail Park access: At busy times there is sometimes congestion within the retail park which can block back to the main road. Similarly there were times when exiting the retail park was thought to be difficult. The roundabout takes a lot of Asda traffic with traffic approaching Asda from the south having to make a u-turn at this roundabout. The same applies to traffic heading south from the Innovation Centre / hotel. There are proposals for a new Asda at Chatham Docks which is likely to change the catchment area of this store and may have the effect of reducing traffic on this section of the road network.

Innovation Centre / Hotel access: This is currently a left-in / left-out junction. There is potential for fully signalised 'all-movements' junction, which could relieve the retail park junction by also taking the u-turning Asda traffic. This masterplan recommends that this is explored at detailed design stage.

Bridgewood Roundabout: No issues were identified in terms of capacity or operation of this junction. This junction was not included in the Highways Agency study of the M2 junction as it was not deemed to interact with the roundabouts or traffic signal junctions leading to the motorway. There is potential that, if required, there was room to further increase capacity at the roundabout by adding flares/lanes.

3.19 Overall, whilst there are some existing issues of congestion, there would appear to be opportunities to improve capacity.

3.20 The majority of new development is proposed on the western side of the site, where access by public transport and walking and cycling is currently poor. There is an opportunity to work with the operator to improve the 142 bus service. This service currently diverts into Laker Road, where there are stops but no shelters. Opportunities could include improving the frequency of services, improving bus shelters and routing the bus through the new development area.

3.21 There are limited opportunities to improve pedestrian and cycle access along the B2097 south of Stoney Lane. However, there is an opportunity for this masterplan to provide a pedestrian / cycle route along Laker Road. This could then be linked to pedestrian / cycle improvements to the B2097, to the north of the masterplan area.

3.22 Should the Marconi Way access road be improved in the future, there is an opportunity to incorporate better pedestrian / cycle access into this.

3.23 Individual planning applications that come forward in line with this masterplan will need to include a Transport Assessment (TA) and provide improvements, if required. This assessment will include consideration of the impact of the development on the strategic road network, and particularly Junction 3 of the M2.

Site history and ground conditions

3.24 The 1938/39 maps show the airport and buildings. These consisted of hangars and a flying training school were constructed in this period. The Shorts Brothers factory is not shown at the northern end of the site although the three main hangars were constructed in this period for the manufacture of Shorts Stirling Bombers, it was normal not to identify military targets on the 1930's OS series maps. Also built at this period was the Pobjoys factory towards the northwest corner of the BAE site.

3.25 Little development of the airfield is shown post-war until the addition of a new hangar at the southern end of the site between 1990 and 2002. The BAE works to the north of the site grew progressively post war. The only other significant change to the site is the construction of the Rochester Airport Industrial Estate to the West and recent construction of the Innovation Centre in the Southeast corner.

3.26 The site was a major strategic target in World War Two and was bombed three times in August 1940 leading to extensive damage of the Shorts factory at the northern edge of the site. A plan has been obtained showing the location of bombs but no information has been obtained indicating that there are any known unexploded bombs. Any development will require appropriate risk assessment as there is clearly a residual risk.

3.27 The site is recorded as having been mined with pipe mines (Source: Brief History of Rochester Airport by Preston and Moulton; October 1992). These were long pipes laid transversely under runways and filled with explosives. Designed to deny the runways in the event of invasion, they were reported as having been removed but caution needs to be taken. There are at least two other sites in the UK where residual live pipemines have been located needing removal and suitable precautions need to be taken in any development to ensure that all mines have been removed.

3.28 There is generally a higher risk of contamination in areas of World War Two usage particularly the old fuel filling point and ARP shelters. Asbestos is likely to be found locally in made ground. It is likely that low level Radium 226 contamination could be found on site in areas of old incineration. Radium 226 is typically found in luminescent paint on old aircraft dials. Investigations will be required and remediation may be needed as part of any development.

3.29 Generally it is not expected that the site will contain extensive obstructions and ground bearing on the head or underlying chalk should be adequate for normal foundations. There are reports about underground solution features which should be considered by developers.

Ecology, trees and landscape

3.30 There is no ancient woodland within the masterplan area and no rare plant species. Some of the trees within Woolmans Wood Caravan Park are subject to Tree Preservation Orders (TPOs). Any masterplan should aim to retain these trees and, if any are required to be removed, replace them with appropriate species elsewhere on the site. The wooded character of this part of the masterplan area must be maintained.

3.31 Peters Pit Special Area of Conservation (SAC) covers an area of 70 acres (28.3 hectares) and is located approximately 1.8 miles (3km) to the south-west of the masterplan area. It is designated on the basis that large great crested newt populations have been recorded breeding here. There are two Sites of Special Scientific Interest (SSSI) reasonably close to the masterplan area. These are:

- Wouldham to Delting Escarpment (SSSI) covers 768 acres (311 hectares) and lies approximately 1 mile (1.5km) south west from the site.
- Halling to Trottiscliffe Escarpment SSSI covers 1,494 acres (605 hectares) and lies approximately 2.8 miles (4.5km) north west of the site.

3.32 Local Nature Reserves (LNRs) that lie within the vicinity of the site include Baty's Marsh 26 acres (10.4 hectares) and is located approximately 1.5 miles (2.5km) north of the site, and Boxley Warren 205 acres (83 hectares) is located approximately 1.8 miles (3km) south of the site.

3.33 Development of the masterplan is unlikely to impact upon these designated sites due to the distances and barriers (major roads and the railway) that exist between the site and these areas, which mean that accessing these sites is difficult.

3.34 The airport is an elevated site, making it prominent from a distance. The Kent Downs Area of Outstanding Natural Beauty is on the flight path of the airport. Any intensification of use of the airport will therefore have some impact on the tranquillity of the AONB to the west and south of the site. The impact of the height of new buildings on views out of the AONB should be taken into account at the planning applications stage.

3.35 The airport site is close to residential and commercial areas. There are valued local views across the open frontage on the northern part of the airport's boundary with the A229, providing wider views to the setting of the Kent Downs AONB to the south west.

Safeguarding

3.36 The height of any proposed development must take account of a continued use of the airport as an operational airfield.

3.37 In 2012 Medway Council and BAE Systems appointed TPS to carry out an option study to study potential aerodrome layouts to enhance the viability of Rochester Airport.

3.38 This study developed the Council's intentions to close runway 16/34 and the construction of a paved runway. Two layout options were presented, one on the existing runway alignment and the other on an alignment which is slightly rotated relative to the existing.

3.39 The cost difference between the two options was very little and both had both advantages and disadvantages. Although the rotated option made better use of the shape of the airfield and provided longer runways with fewer obstacles, it required changes to aircraft routes, which may be difficult to achieve. The existing runway alignment option released substantially more land in the vicinity of the Innovation Centre. This masterplan is based on the existing runway alignment - the precise alignment will be the subject of agreement with the operator, but it is expected to be broadly as set out by TPS.

3.40 TPS's study provides 'safeguarding' plans which define the areas of land that may be released for development and the maximum height of buildings and other structures that may be accommodated. Figure 3.5 opposite provides a simplified version of TPS's safeguarding plan, showing the developable areas as being defined by the five metre height contour, with permissible height increasing with distance from the runways.

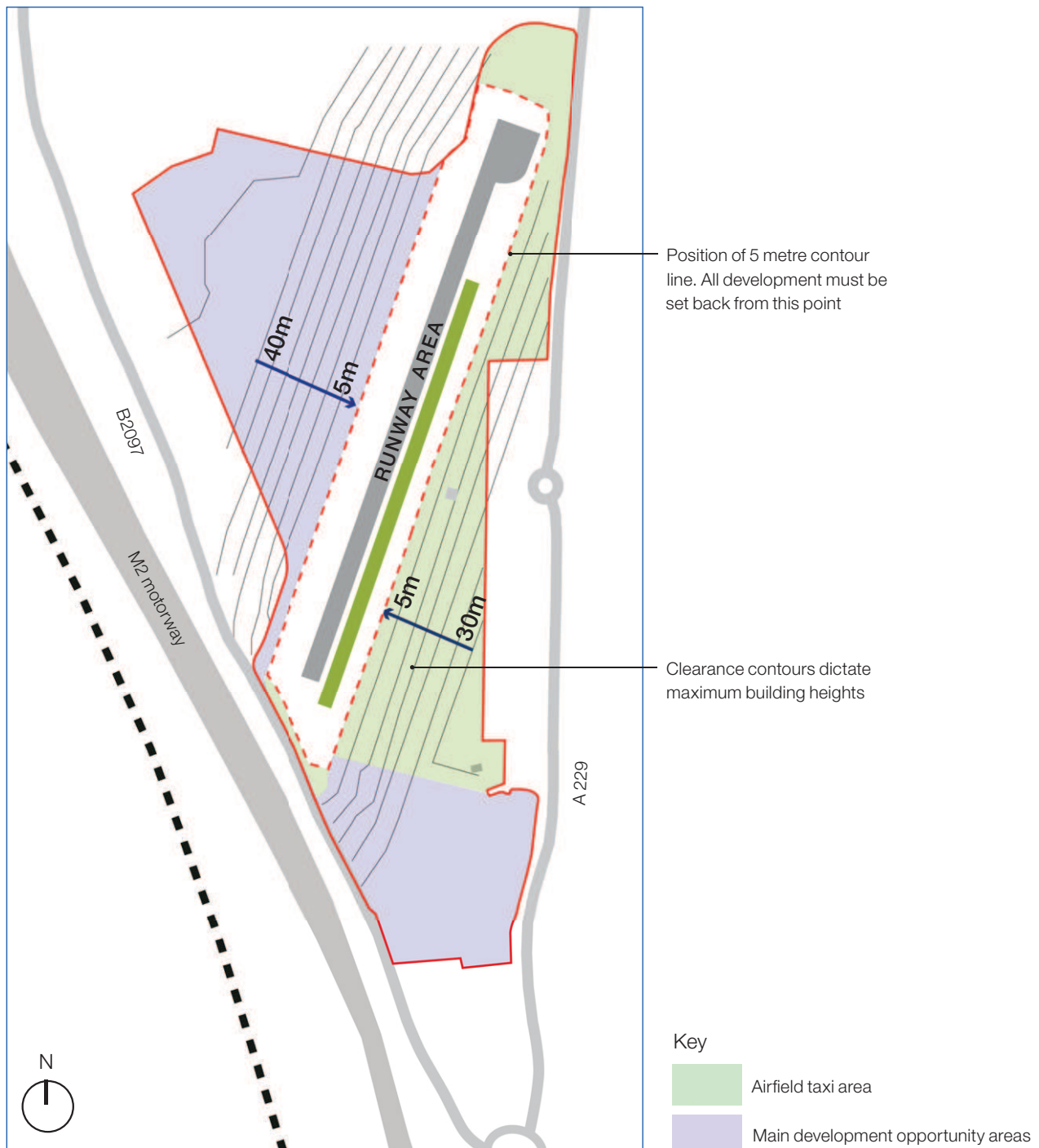


Figure 3.5: Safeguarding showing developable areas

4 Policy context

Introduction

4.1 The planning authorities for the airport are Medway Council and Tonbridge and Malling Borough Council (TMBC). As landowner, Medway liaises closely with TMBC on airport-related issues. The planning policy context for the masterplan area is set by:

- the National Planning Policy Framework (NPPF);
- the saved policies of the Medway Local Plan (2003);
- the Tonbridge and Malling Council Core Strategy (2007); and
- the Tonbridge and Malling Development Land Allocations DPD (2008).

4.2 In addition, the following documents are of relevance to the masterplan:

- the Medway Economic Development Strategy for 2009 – 2012; and
- the Medway Employment Land Review Consolidation Study 2010.

4.3 In late 2013, Medway Council had to withdraw a well advanced draft Core Strategy from the Examination process. This resulted from a decision to designate a Site of Special Scientific Interest on land proposed for strategic development in the draft plan. The draft policies therefore have no planning status. However the policy framework that was emerging through the Core Strategy process expressed the Council's vision for the Rochester Airport site.

Economic development

4.4 The Medway Sustainable Community Strategy, 2010-2026¹, set as economic development as one of its key ambitions: 'Medway to have a thriving, diverse and sustainable economy matched by an appropriately skilled workforce and supported by a higher and further education centre of excellence'. Actions to achieve this ambition include a focus on sector development and ensuring the

availability of employment space. The Rochester Airport site contributes to these activities.

4.5 The work that was carried out for the production of the Core Strategy entailed assessments of employment land supply and need in Medway. This analysis was used to inform the development of policies. Through this work on the evidence base, the Council confirmed the importance of the Rochester Airport site as a location for quality employment. This recognised the specific local opportunities generated by the presence of BAE Systems at this site, and particularly for development of a technology and knowledge based cluster of operations of considerable significance.

4.6 The Council's approach to the Rochester Airport site accords with the NPPF in relation to building a strong, competitive economy, particularly:

- the requirement in paragraph 20 for local planning authorities to plan proactively to meet the development needs of business and support an economy fit for the 21st century; and
- the requirements in paragraph 22 to: set out a clear economic vision and strategy: identify strategic sites for local and inward investment to meet anticipated needs over the plan period; and plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries.

4.7 The Medway Employment Land Review Consolidation Study identifies the amount of land and floorspace required to provide for 21,500 jobs up to 2026. This work is to be reviewed as part of the evidence base for a new local plan. For the moment, the requirements for the 'M2 Access Sub Area' are set out as 183,747 square metres (sqm) on 32.25 hectares of land. There is sufficient floorspace overall to meet the identified employment requirements. However, within the M2 Access Sub Area there is a deficit of potential employment land of some 134,000 sqm. From a planning perspective, therefore, land at Rochester airfield is important to meeting the M2 Sub Area's need for employment land.

4.8 Medway Council's Economic Development Strategy 2009-12 sets out its ambition, vision and strategic priorities for Medway's economic growth. Rochester Airport's future development accords directly with several of Medway's strategic economic priorities:

¹ http://www.medway.gov.uk/pdf/sustainable_com_strategy_web.pdf

SP1 – sector development: This priority highlights a need to “*explore opportunities for inward investment that play to the area’s particular strengths...*” and also “*promote sector-specific interests in relation to other priorities, not least Skills Development and Employment Space*”.

4.9 Particular strengths at Rochester Airfield include BAE Systems and the Innovation Centre. The potential for opportunities for growth that relate to these two existing uses are explored in the property market chapter of this report.

SP2 and SP3 – skills development / higher education: These strategic priorities identify specific actions to “*link skills development with proposed physical developments and related short and longer term job opportunities*”, and to “*Encourage much higher numbers of graduates to stay within the area, whether to establish businesses or seek employment*”.

4.10 Development of new commercial infrastructure aimed at producing goods and services that demand higher levels of skills will increase the opportunity to retain locally trained graduates from Medway’s universities and Mid Kent College. A flexible masterplan can set a framework for a range of opportunities, including a mix of commercial and potentially some educational development.

SP4 – employment space: This strategic priority directly identifies Rochester Airport for future development consideration, recommending that an appraisal of the airfield and neighbouring sites is undertaken to identify any additional opportunities for employment space that do not prevent aviation use and are complementary to existing co-located businesses. This masterplan study provides this appraisal.

4.11 Tonbridge and Malling planning policy does not include specific policies relating to the airport. In terms of employment, the borough’s Employment Land Review indicates that:

- B1 office requirements are expected to increase, but existing supply already exceeds this need (although this is concentrated at Kings Hill);
- B2 requirement are set to decline, and there will be surplus of land for this sector across the borough; and

- requirements for B8 are expected to increase. However, this is expected to be accommodated on existing sites that become vacant as B2 demand decreases.

4.12 The main thrust of Tonbridge and Malling employment-related planning policy is therefore around retaining existing employment sites. The Laker Road Estate is identified on the Proposals Map as Safeguarded Employment Land. Those areas of the airport falling within TMBC’s area are identified as ‘Urban Areas’ - Policy CP11 of the Core Strategy seeks to direct new development to these areas.

Transport and movement

4.13 Policies T1 to T6 in the Medway Local Plan, 2003, promote management of the impact of development on the highway network and provision for pedestrians, cyclists and public transport travel opportunities.

Summary

4.14 This masterplan has been produced in order to meet the requirements of the above policies to secure high quality employment within the Rochester Airport area.

5 Design framework and guidance

Introduction

5.1 The purpose of this masterplan is to provide clear guidance on Medway Council's aspirations for the future of the area, setting out parameters for the type of development that will be encouraged and supported. The development of the area is likely to take place over several years and, as such, it is important that the masterplan is sufficiently flexible to accommodate changes in market demand, transport modes and building technology.

5.2 This chapter provides a series of design framework plans that set out the key parameters for future development. These are:

- Land use;
- Access;
- Building heights; and
- Urban design.

5.3 The chapter also provides design guidance for buildings and landscape. The framework plans and the design guidance will be used to inform future detailed designs for each part of the overall masterplan. These detailed designs will go forward as planning applications, each supported by a Design and Access Statement (DAS). Each DAS must demonstrate how the proposals accord with the principles set out in this masterplan.

Land use

5.4 Figure 5.1 sets out the Land Use Framework Plan. This plan sets out the land uses that will be permitted within each parcel. Land uses not identified on the plan and below will not be permitted.

- A** B1 and/or B2 employment uses will be permitted. B8 will only be permitted if it is ancillary to predominantly B1 and/B2 development.
- B** B1 and/or B2 employment uses will be permitted. B8 will only be permitted if it is ancillary to predominantly B1 and/B2 development.
- C** The existing Innovation Centre (use class B1) will be retained.
- D** Mixed-use development that supports the employment function of the wider masterplan area is encouraged in this area. Development that comprises two or more of the following uses will be permitted: B1 employment, C1 hotel, ancillary A3 (restaurant or cafe) and A4 gym.
- E** Woolmans Wood currently operates as a successful caravan park. Should the landowners wish to bring it forward for development, B1 and/or B2 employment uses will be permitted.
- F** The refurbishment and / or redevelopment of existing airport buildings will be permitted. New airport-related facilities will be permitted. B1 and/or B2 employment uses that are ancillary to airport operations (eg aircraft maintenance) will be permitted.

Mixed-use development at the 'gateway' to the site where it is easily accessible to the public will be supported. Mixed-use development may include the following uses: A3 (restaurant or cafe) and A4 (drinking establishment).

5.5 Operational airfield uses will be permitted within the remainder of the airport area.

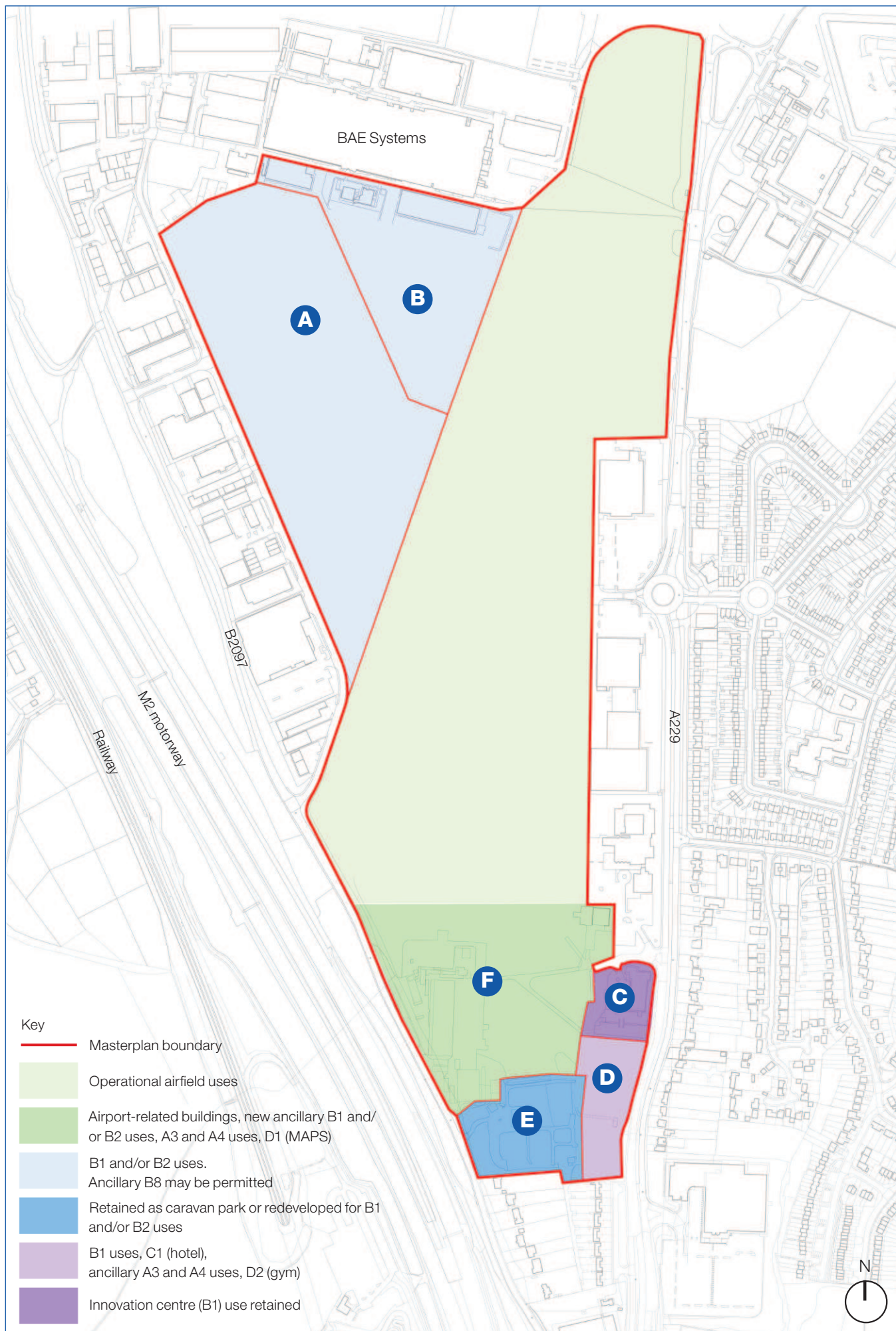


Figure 5.1: Land Use Framework Plan

Access

5.6 Access to the northern employment area (sites A and B) will be provided from the Maidstone Road, Rochester (B2097) via Laker Road and Lankester Parker Road.

5.7 A Transport Assessment (TA) will be required for planning applications in this area. The TA must assess traffic flows and junction capacity, and identify improvements if required. It is likely that the following junctions will require improvement:

1. Lankester Parker Way / Maidstone Road, Rochester
2. Laker Road
3. Laker Road / Rochester Road

5.8 Should the land leased to BAE come forward for development, the potential for a vehicular access to the masterplan area from BAE's land shall be explored.

5.9 Reducing reliance on the private car is important. There is an opportunity to create a dedicated pedestrian / cycle way alongside Laker Road. Together with improvements to the existing network north of the masterplan area, this has the potential to improve walking and cycling in an area that is currently very poor.

5.10 There is potential for working with the bus operator to improve services to the new employment area, including increasing frequency, improving bus stops and routing buses through the new development.

5.11 Should the Marconi Way access road be improved in the future, opportunities for a dedicated pedestrian / cycle route should be explored.

5.12 In addition to a TA, any planning application(s) must be accompanied by a Travel Plan. The Travel Plan should set out measures for reducing travel by private vehicle, including encouraging the use of public transport, car sharing, travel by cycle and on foot.

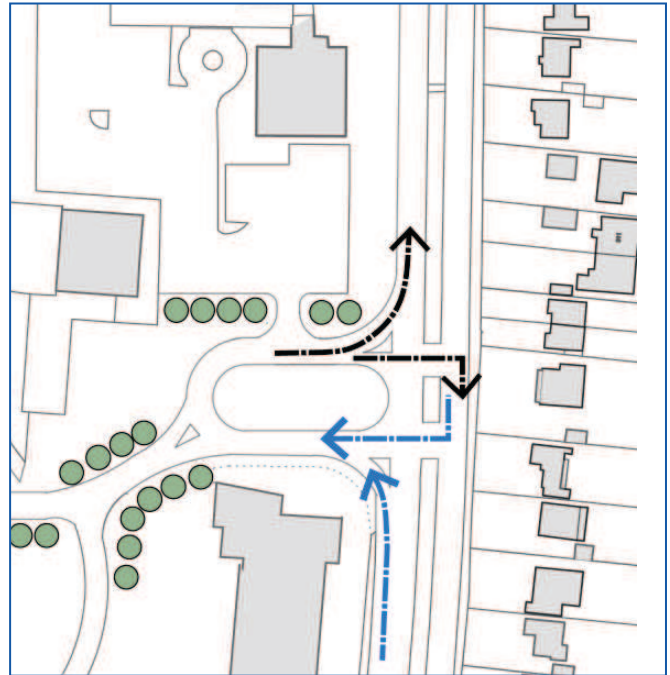


Figure 5.2: Illustration of potential junction improvements

5.13 Access to the airport and southern development area (sites C, D, E and F) will be provided from the Maidstone Road, Chatham (A229). The potential for improving this junction should be explored as part of more detailed design work for this area. Any planning applications must be accompanied by a TA and a Travel Plan.

5.14 Access to site D shall be provided via an access road along the western boundary of site C. This access road could be designed to provide future access to site E, should it come forward for development.

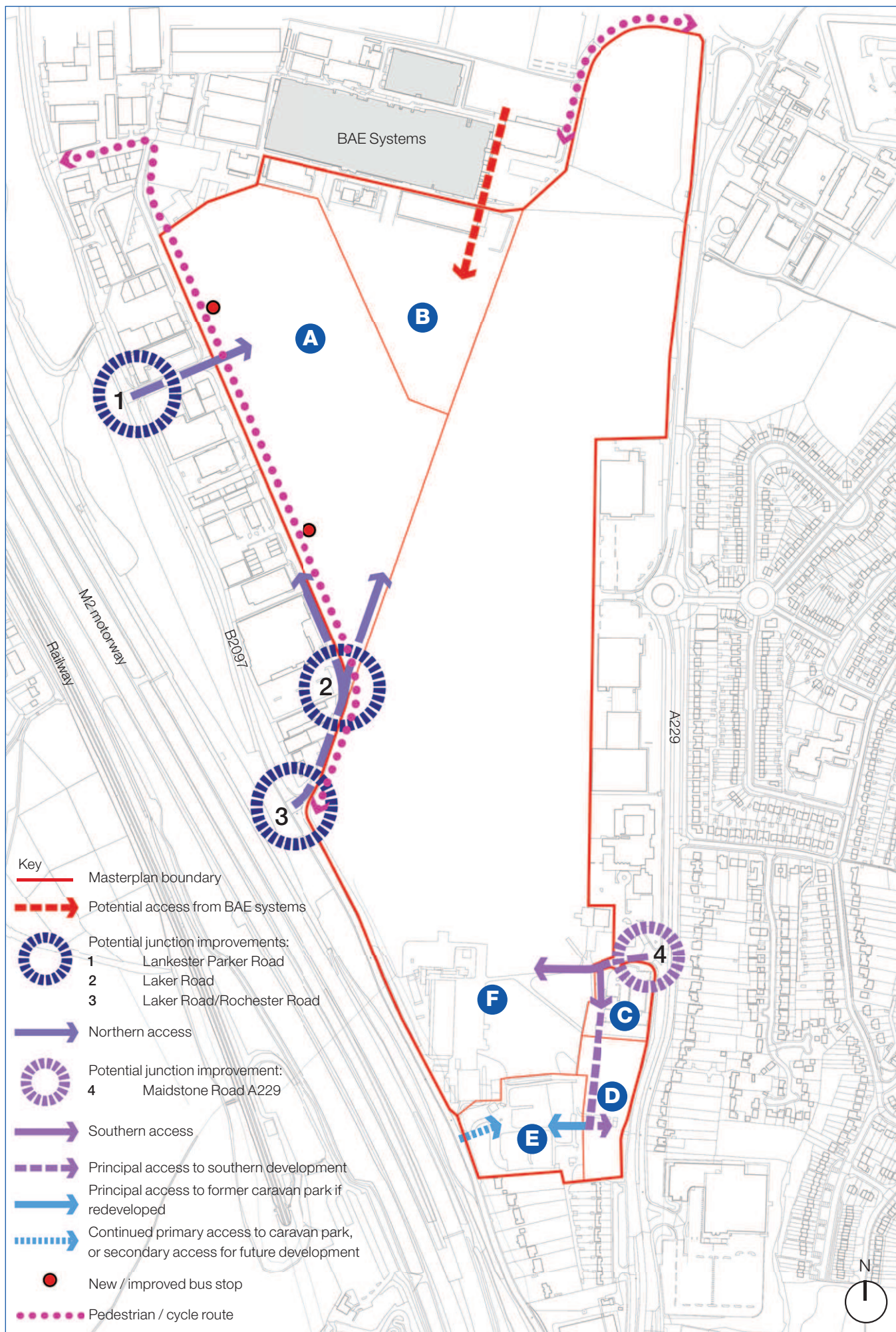


Figure 5.3: Access Framework Plan

Building heights

5.15 Detailed design of buildings and other structures will be established at planning application stage. Figure 5.4 opposite sets out the maximum heights that will be permitted for buildings in the masterplan area.

- A** Maximum building height normally two storeys. Up to four storeys permitted subject to:
 - B** ■ airport safeguarding considerations; and
 - urban design justification - i.e. fulfilling requirements to create a landmark building in a specific location.
- C** The existing Innovation Centre (use class B1) will be retained.
- D** Maximum building height three storeys. Relationship to a residential dwellings to the south of the site must be carefully considered and provide a suitable open gap.
- E** Maximum building height normally two storeys. Three storeys permitted subject to satisfactory relationship to adjacent residential dwellings.
- F** Maximum building height three storeys subject to airport safeguarding considerations.
- F** Height to be determined by operational requirements and airport safeguarding considerations.

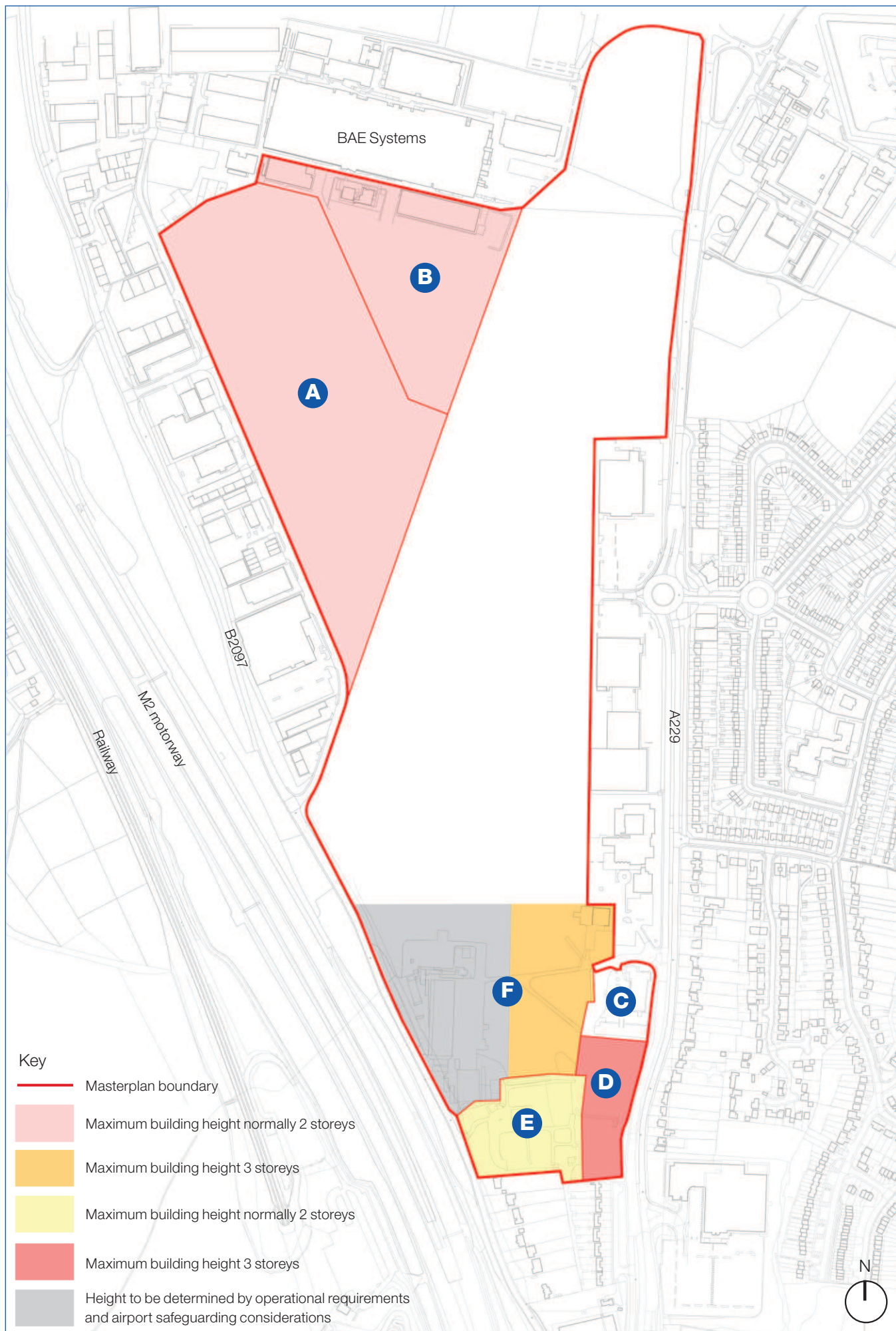


Figure 5.4: Building Heights Framework Plan

Urban design

5.16 There is an opportunity for new development to create a distinctive, high quality employment-focussed 'quarter' that improves the character of the area. Figure 5.5 sets out the key urban design principles that new development will be expected to incorporate, and these are explained below.

Northern area

- The key gateway from Laker Road must be designed to give a high quality approach to the employment area. Buildings and landscape must be designed as a coherent whole, so that the views northwards are of attractive buildings set within a green landscape. Tree planting along the new access road will help to reinforce the importance of this access.
- There is an opportunity to create a dedicated pedestrian/ cycleway along the Laker Road frontage. The landscape and route should be designed together.
- Key building frontages within this gateway area must be designed to respond appropriately and positively to the views into the area.
- Laker Road must be given a strong, positive character that upgrades the existing setting by:
 - creating a green landscaped strip along the eastern side of Laker Road, incorporating tree planting at regular intervals; and
 - locating new development so that buildings positively address Laker Road and frontages are set back a consistent distance for the whole length of the road.
- The road leading into the development from the Lankester Parker Way / Laker Road junction is an important access point, and must be designed so that it is perceived as a major access. This design approach must include:
 - designing tree planting into the street, so giving it a character and quality that contrasts with non-tree-lined streets. There will need to be designed to respect airport safeguarding height restrictions; and

- locating new development so that buildings positively address the road and frontages are set back a consistent distance for the length of the road until it meets the boundary with the land occupied by BAE.

Southern area and airport

- The gateway from the Maidstone Road, Chatham must be designed to give a high quality approach to the airport. Buildings and landscape must be designed as a coherent whole.
- Building frontages onto the Maidstone Road, Chatham must reflect the setback of the Innovation Centre, creating a similar positive relationship with the road.
- The wooded character of Woolmans Wood must be maintained. If any trees forming part of a TPOd group are proposed to be removed, a landscape plan shall demonstrate how this loss would be compensated through new planting.

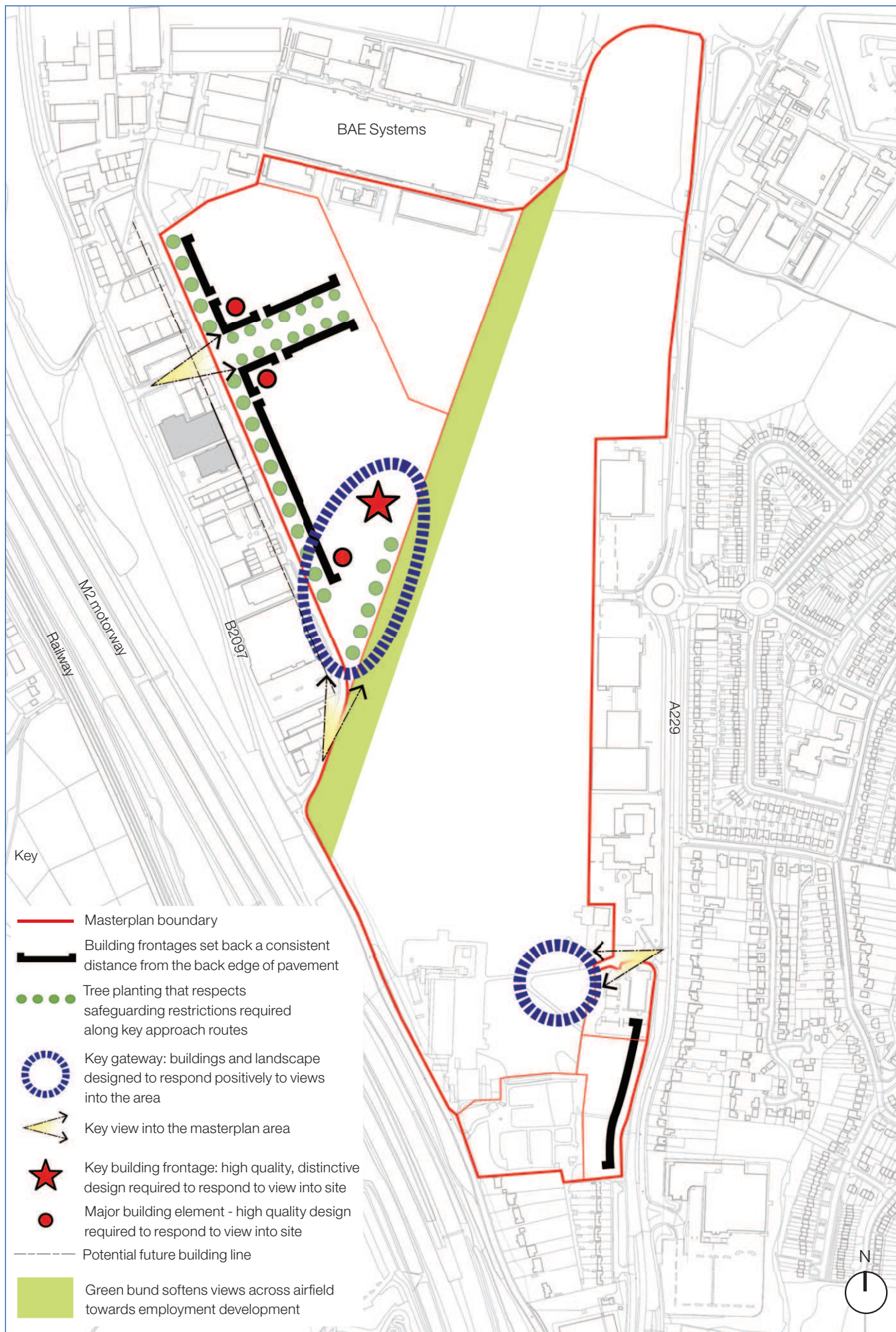


Figure 5.5: Urban Design Framework Plan

Design guidance

5.17 As set out above, the masterplan will not be developed in one go, but will be built out over time. The northern employment area, in particular, will be constructed in a series of phases. A consistent and coherent approach to the design of buildings, streets and spaces is important to achieving a high quality employment quarter.

Northern employment area

5.18 This section provides guidance for the northern employment area that focuses on:

- consistency of building frontages;
- consistency of height;
- materials and signage;
- landscape;
- street hierarchy and design; and
- parking and servicing.

5.19 **Consistency of building frontages:** The most important way of achieving a coherent layout is to design buildings so that the frontages are set back a consistent distance from the back edge of pavement. Secondly, building frontages must be designed to positively address the street that serves them. This means that:

- buildings should be setback a consistent distance from the back edge of the footway for the entire length of the street. This setback distance may vary between streets of different types within the overall layout;
- building fronts should face the street that serves them, with windows and a main entrance fronting onto the street. The rear of buildings must not address the street;
- wholly blank elevations to the street must be avoided - some windows and doors are essential;
- the setback from Laker Road is especially important to creating a high quality first impression to the employment area. The setback must accommodate a linear row of tree planting in a grass verge of similar vegetation and a pedestrian / cycle route.



Figure 5.6: Strong tree planting along the Laker Road frontage as in this example is important to create a high quality 'first impression'. NB: Height will need to respect airport safeguarding restrictions.



Figure 5.7: Above and left: Consistent building heights help to give a coherence even though materials vary.



Figure 5.8: Breaking the general maximum height is appropriate for 'landmark' buildings in specific locations.

5.20 **Consistency of height:** Figure 5.4 sets the maximum height parameters for each part of the Masterplan area, with the height within the northern employment area normally being two storeys. The following principles apply:

- single storey buildings will be permitted, but these must be located so that they form a coherent group;
- single storey buildings must not be randomly located amongst two-storey buildings;
- single storey buildings should not normally be located on key viewlines into the site. Where they are located on key viewlines, the buildings shall incorporate a two storey element specifically designed to respond to the viewline; and
- buildings higher than the normal two storeys will be permitted only where they perform a clear urban design function - for example, a cluster of three storey buildings defining a key junction of major streets.

5.21 **Built form, materials and signage:** Employment buildings are essentially simple rectangular buildings. However, there is a risk that very simple buildings are (i) monotonous in appearance; and (ii) difficult to understand - where exactly *is* the main entrance? Built forms that help to create richness and variety are encouraged, for example:

- defining the main entrance through the use of projecting bays and a change in materials;
- creating a vertical rhythm that breaks down the bulk of an otherwise large building - for example, by expressing the vertical structure that underpins the building; and
- creating strong corner elements that respond to viewlines.

5.22 Using a reasonably limited palette of materials can help support the coherence created through consistent building lines and carefully considered heights. Materials that endure over time (such as brick) are generally preferred. However, it is recognised that lightweight cladding is often appropriate to employment buildings. Where such lightweight materials are used, roof overhangs need to be carefully considered so as to ensure that cladding is protected and is not adversely affected by rainfall - i.e. overhanging roofs are preferred.



Figure 5.9: Building designed to respond to its corner location.



Figure 5.10: Different approaches to creating richness. Above: a clear corner and defined entrance. Right: vertical rhythm creating by projecting bays and a change in materials.



Figure 5.11: A limited palette of materials helps create a coherent development.

5.23 A consistent, limited palette of materials should be used for groups of buildings along the same street. The palette of materials may vary across the site, but must be used in a controlled manner to create distinct character zones, avoiding a random visual appearance.

5.24 Locations for company signage should be positively designed into building elevations, so that signs stuck onto buildings are avoided. The location of signage should normally be consistent across building groups. However, where a building is designed specifically as a landmark, its signage may vary from the buildings around it.

5.25 **Landscape and street hierarchy:** Good design of streets and spaces is critical to achieving a high quality employment hub. A key aim of this masterplan is to secure a development where the design of the streets helps (i) to promote a high quality identity; and (ii) people to understand where they are within the area and find their way around.

5.26 Figure 5.5 sets out the basic principles of the urban design framework, which seeks to:

- improve Laker Road through tree planting and consistent building frontages, so creating a high quality first impression; and
- create two key vehicular entrances, one from the corner of Laker Road and one from Lankester Parker Way.

5.27 The two streets that form the key vehicular entrances must be designed to look and function as the most important streets within the northern employment area - that is, be at the top of the hierarchy of street types. These streets must include tree planting to create distinctive boulevards that contrast with other streets in the area. This approach will not only create a high quality first impression but also help people find their way around the development - to use the urban design jargon, these two distinctive streets will help create a 'legible' place.

5.28 The area will include a large amount of car parking. Parking areas should be designed to be attractive by:

- avoiding large areas of tarmac, breaking up the surfacing with block paving or other appropriate materials;
- reducing the visual impact of parked cars through landscape such as trees and hedges; and



Figure 5.12: A The two main vehicular entrances must be designed as distinctive 'boulevards' that promote a high quality identity.



Figure 5.13: A The visual impact of car parking should be reduced - for example, through landscaping.



Figure 5.14: A Whilst the majority of car parking should be to the rear of buildings, it is helpful to locate a small amount of visitor and disabled parking at the front, along with cycle parking for visitors.

- creating clear, direct pedestrian routes through the car park to building entrances.

5.29 **Parking and servicing:** The location and design of parking and servicing areas can have a significant impact on the appearance of employment areas. The aim of this masterplan is to minimise the visual impact of car parking and servicing on the 'public' side of the buildings as far as possible by:

- locating the majority of car parking to the rear of buildings. Large areas of parking in front of buildings should generally be avoided;
- encouraging rear parking areas to be designed as positive courtyards that are shared by more than one unit;
- locating some visitor parking at the fronts of buildings and - where appropriate - on street so that visiting drivers can easily understand where they are meant to park;
- design delivery and maintenance areas so that they are to the rear or side of buildings, incorporating turning areas away from the main public 'fronts' of buildings.

5.30 The buildings onto Laker Road are unlike other buildings in this area, in that they need to positively front Laker Road but potentially will mainly be served from within the northern development. This means that they do not have clear 'fronts' and 'backs', and will therefore need to be designed to look two ways. Car parking in front of these buildings will be permitted, but must be well designed and landscape to minimise the visual impact of parked cars and avoid a long, uninterrupted run of car parking. There are opportunities to locate servicing between the buildings.

5.31 Cycle parking for employees should be designed into the schemes. Cycle parking should ideally be provided within buildings. Where it is provided outside, it should be provided with a canopy and be well overlooked for security.

5.32 Cycle parking for visitors should be provided at the fronts of buildings. Such cycle parking need not be covered.

5.33 All buildings must include well-designed refuse stores that enable paladins and other refuse containers to be stored out of sight.

Existing employment buildings

5.34 The existing employment buildings on Laker Road are in a range of different ownerships. As and when proposals for improvements or redevelopment come forward, the Council will encourage these to be in line with the principles set out for the development of the northern employment area. That is:

- where possible, buildings should meet a consistent building line as shown in Figure 5.5 on page 25;
- the heights of buildings should generally be two storeys. Where single storey buildings are proposed, two storey elements (e.g. a corner providing office accommodation) are encouraged;
- use a limited palette of materials that reflects the material used in the new buildings on the opposite side of Laker Road;
- design refuse and servicing areas so that they are to the rear or side of buildings - avoid locating them on the Laker Road frontage;
- where refuse storage areas are visible from Laker Road, screen them to minimise their visual impact; and
- continue the approach of locating the majority of car parking between buildings rather than in front of them. Design boundary treatments onto Laker Road to minimise the visual impact of cars and reflect the landscape approach on the northern employment area - i.e. include tree planting where possible.

Southern area and airport

5.35 This section provides guidance for the southern area and airport that focuses on:

- building lines along the Maidstone Road, Chatham;
- built form, materials and signage;
- landscape; and
- car parking and servicing.

5.36 **Building lines along the Maidstone Road, Chatham:** The Medway Innovation Centre is a very positive building, projecting a high quality image and identity. New development to the south of it should reflect its quality. As set out above, a consistent building line helps to achieve a sense of coherence - new buildings should therefore be setback the same distance from the back edge of footway as the Innovation Centre.

5.37 **Built form, materials and signage:** Whilst this masterplan does not seek to dictate the style of new buildings within the southern area:

- the Innovation Centre's palette of materials should be used as the basis for new buildings along the Maidstone Road frontage; and
- the scale and massing of the Innovation Centre should be reflected in new buildings.

5.38 Signage should be positively designed into building elevations, so that signs stuck onto buildings are avoided.

5.39 **Landscape:** the frontage onto the Maidstone Road should be designed to extend the same landscape treatment as adjacent to the Innovation Centre.

5.40 Any future development of Woolmans Wood should preserve the wooded character of this site.

5.41 A green bund shall be provided along the western boundary of the airport land. This must be designed to soften views towards the employment area from the east. The highest part of the bund must be below five metres.

5.42 **Car parking and servicing:** Car parking and servicing must not be located between new buildings and the Maidstone Road. As with the existing Innovation Centre, parking to the sides of buildings is permitted so long as landscape is designed to minimise its visual impact on the Maidstone Road frontage.

5.43 **Airport gateway:** There is an opportunity for redevelopment of the airport to create a welcoming public gateway to the airport. This could include relocating the Medway Aircraft Preservation Society (MAPS) and including new uses such as a cafe / restaurant. High quality buildings that reflect the site's historic and current use as an airport will be welcomed.

6 Illustrative masterplan

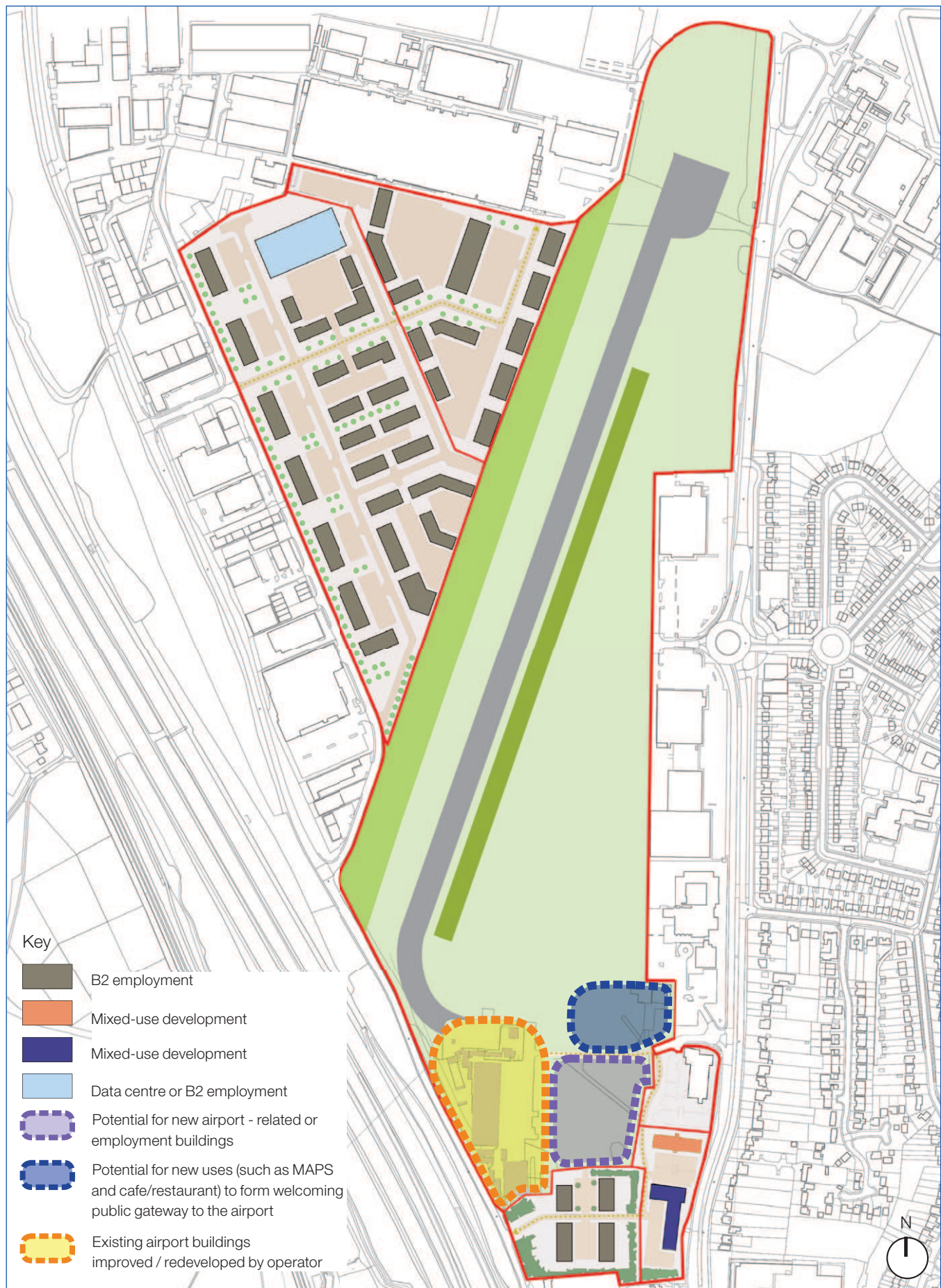


Figure 6.1: Illustrative masterplan

Amendments to current text in the masterplan relate to:

1. Aircraft movements / Commercial nature of the airport's activities
2. Noise
3. Safety
4. Road traffic and design issues
5. Planning

Consultation

Process

The Council sought to carry out broad consultation in the development of the Masterplan for Rochester Airport. This included wide publicity on the proposals to consider changes at land at and around the airport from late 2012. An initial consultation was held in Spring 2013 to discuss the emerging plan and issues with residents and wider stakeholders. Details of this first stage of consultation have been published in a Consultation Feedback Analysis Report (insert link/footnote)

A formal consultation was held from 22 July to 20 September 2013. This was carried out in line with the Council's Statement of Community Involvement that sets out the standards by which consultation on planning policy are conducted. The length of the formal consultation made allowance for the summer period, by extending the time in which people could make responses. The Council sent a leaflet to 7300 households and businesses in the local area outlining the Masterplan proposals and encouraging people to respond to the consultation.

The consultation sought to provide a range of options in how people could respond.

Medway Council officers and representatives of Rochester Airport Limited staffed an exhibition held over two days on 22 and 23 July 2013 at Medway Innovation Centre. The venue was selected for its proximity to the airport, and therefore convenience for local people. 222 people attended the exhibition. Consultation feedback forms and copies of the proposals were available for visitors at the exhibitions. The exhibition display panels remained on display at the Innovation Centre for the duration of the consultation period.

Information on the proposals and the draft Masterplan were published on the Council's website. People were able to submit comments on line. Copies of the Masterplan were available to view at each library in Medway, and at the reception desk at the Council's offices at Gun Wharf.

Statutory organisations, neighbouring councils, parish councils, interest groups, and businesses were notified of the consultation on the Masterplan and invited to make their comments. A focus group was organised to seek the views of businesses on the proposals, as part of the consultation process.

Responses

The Council received 908 responses to the consultation held from 22 July to 20 September 2013. The majority of the responses (over 80%) were received in association with a campaign set up to object to the Masterplan proposals. Just under 80% of all responses were strongly opposed to the Masterplan, reflecting the high proportion of replies submitted in support of the campaign against the Masterplan. In considering the responses received independently, more mixed views are seen, with a small majority in support of the Masterplan.

90% of the responses received were from local residents. 3% were submitted by businesses, and 7% from others, including statutory organisations invited to make comments on the consultation. Many of the local residents lived in locations directly under the flight path connected to the runway 02/20, which would see an increase in use following the closure of runway 16/34.

The Council analysed the comments made in response to the consultation. It is noted that the responses received to the formal consultation on the Masterplan from July to September showed a stronger objection to the proposals than the views expressed at the earlier stage. A number of people who had engaged in the Spring consultation chose not to participate again in the formal consultation process.

Concerns raised

Assessment of all the responses that raised concerns with the Masterplan identified a number of commonly recurrent matters:

- Increase in air traffic activity, associated with a commercialisation of the airport
- Noise, particularly in association with increased activity
- Increased risks to safety, particularly in relation to increased activity
- Road traffic impacts
- Specific aspects of the design components of the Masterplan
- Limited consideration of options for the site
- Negative impact on property values
- Use of public funding

In proposing changes to the Masterplan, respondents frequently asked for the Masterplan to be abandoned and for a new consultation to be carried out. With regard to the airport, some sought its closure, and relocation of the facility or operations to another site. Others wished it to remain operating on its present arrangements.

Grounds of support

In reviewing the comments made in support of the Masterplan, there were also a number of common themes. These were:

- Securing the role of the airport as an important asset for Medway, supporting community services, recreational users and businesses.
- Much needed improvements to the infrastructure and facilities at the airport, including the benefits arising from a paved runway.
- Promoting local heritage assets, particularly supporting the work of the Medway Aircraft Preservation Society.
- Economic development and regeneration.

The council considered the concerns raised through the consultation and made a number of amendments to the draft masterplan:

- A reduction to the annual cap on aircraft movements and operating hours for flying at weekends.
- Further information on the anticipated markets from leisure, public service, training and commercial uses, including the restrictions on the type of aircraft that would be able to land at Rochester.
- Additional information to clarify the distinctive characteristics and offer of the site for employment and aviation purposes.
- Higher promotion of the heritage value of the site, and its reflection in the marketing of the site for high quality employment.
- Greater consideration of the site's environmental and wider context, the need to protect key views, and residential amenity.
- Outline of the process for seeking planning permission, and other consents for development at the airport and employment land, including the areas in which detailed information will be provided, the consultation and assessment requirements.

More details on the consultation process, including full copies of the responses received and the council's consideration of the issues raised are available on the council's website.

1. Aircraft movements / Commercial nature of the airport's activities

Current content	Suggested amendment
Remove paragraph 2.7: (page 5) <i>"Initial consultation with local people has been an important part of the process of producing this masterplan. An initial consultation report has been produced separately, and this sets out the key issues raised by local people. The main concern raised during consultation was about the future operation of the airport, with people wanting to know the detail of the types of aircraft, numbers of flights and as well as understanding where new facilities may go."</i>	Replace with: (page 7) <i>"Through consultation sessions, a number of questions were raised about the future operations of the airport, with people wanting to know the detail of the types of aircraft, numbers of flights as well as understanding where new facilities may go."</i>
Remove 2nd paragraph of 2.9: (page 5) <i>"Will the airport be busier?"</i> <i>The airport currently handles around 35,000 aircraft movements per year or 96 movements per day. This varies from year-to-year, and the variation is due to a number of factors - fluctuating demand for emergency services and how economic conditions affect leisure flights, for example. There are currently no restrictions on the number of flights. If planning permission is granted for the improvements, it is likely that a restriction on the number of flights will be imposed. RAL have suggested that the total annual movements is capped at 50,000 per annum or 137 per day. A very busy summer day is predicted to be 400 to 500 movements, compared to a peak of around 360 movements now. Careful monitoring will be in place to check the number of flights. Thus, there is potential for the airport to be busier than it currently is, but this would be up to a clearly defined limit."</i>	Replace with: (page 7) <i>"Will the airport be busier?"</i> <i>Over the past ten years, the airport has handled an average of over 31,500 aircraft movements per year or 86 movements per day. This varies from year-to-year, and the variation is due to a number of factors - fluctuating demand for emergency services and how economic conditions affect leisure movements, for example. There are currently no restrictions on the number of movements. If planning permission is granted for the improvements, it is likely that a restriction on the number of movements to 40,000 per annum or an average of 109 per day is considered appropriate and in line with, but not exceeding, the airport's busiest years. The cap on movements would be subject to review to allow flexibility. This would be subject to evidenced data being provided by the operator to justify doing so. Consideration of the impact on local amenity would also need to be considered carefully. Careful monitoring will be in place to check the number of movements."</i>
Remove 3rd paragraph of 2.9: (page 6) <i>"What about hours of operation?"</i> <i>There are currently no restrictions on when the airport can be used. It is likely that a restriction will be imposed if planning permission is granted. RAL have suggested maximum core operating hours of 7:30 am to 7:30 pm. Home based aircraft will retain the right to operate up until dusk or 9.00 pm as now. Emergency services and military will be able to use the airport 24 hours per day (as is the case at present)."</i>	Replace with: (page 7) <i>"What about hours of operation?"</i> <i>There are currently no restrictions on when the airport can be used. It is likely that a restriction will be imposed if planning permission is granted. RAL have suggested maximum core operating hours of 7:30 am to 7:30 pm during the week and 8.30am – 5.30pm at weekends. Aircraft based at Rochester will retain the right to operate up until dusk or 9.00 pm as now. Emergency services and military will be able to use the airport 24 hours per day (as is the case at present). This matter will be addressed through the planning application process."</i>

Suggested new paragraph re the airport becoming commercial: (page 8)

“Will the airport transform into a commercial aviation facility?”

There are no plans to transform the facility into a commercial airport, with regular scheduled and/or chartered passenger flights. Currently the airport operations consist of a mix of operations, including:

<i>Leisure aviation</i>	<i>Helicopter sightseeing (London and Kent), Private Pilots Licence training, Microlight, Autogyro, fixed wing light aircraft and helicopters.</i>
<i>Public Service</i>	<i>Police, Air ambulance, Medivac fixed wing, Network Rail, Royal Navy, Army and Royal Air Force. Operating on a 24/7 basis.</i>
<i>Training</i>	<i>Training for a one off experience or to qualify for a licence, Microlight, Autogyro, Fixed wing and Helicopters and any conversion of different types. Including advanced training to Commercial Pilots Licence.</i>
<i>Business</i>	<i>Small business and Charter flights (single or twin engine), Fixed wing or Helicopters. In bound from UK/Europe for day trips or longer.</i>

The runway will not and cannot be extended due to the airport’s physical size, therefore its length prohibits the landing and take-off of larger aircraft. The types of planes that currently use the airport and that will use it in the future will not increase in size.

Rochester Airport is currently a Category 2c code runway. It will change to a 2b code runway, which limits the type of non-military aircraft to the airport (CAA CAP168 Chapter 3, pages 2 and 3 refer). The runway’s coding defines the width of the runway, and the types of planes accessing the airport based on wingspan and wheelspan.”

2. Noise

Current content	Suggested amendment
Remove 5th paragraph 2.9: (page 6) <i>“Will there be more noise?”</i> <i>Having a paved runway means that aircraft will be able to accelerate more quickly than on grass and take off earlier. This means that they will have climbed much higher before they pass over homes near the airport - which will result in less noise than at present.”</i>	Replace with: (page 7) <i>“Will there be more noise?”</i> <i>Having a paved runway means that aircraft will be able to accelerate more quickly than on grass and take off earlier, a view that is supported by the CAA and the General Aviation Safety Council. This means that they will have climbed much higher before they pass over homes near the airport - which will result in less noise than at present.</i> <i>In addition, the number of aircraft movements will be restricted at the airport, to within levels recorded in previous years.”</i>

3. Safety

Current content	Suggested amendment
Remove 5th paragraph 2.9: (page 6) <i>“Will having just one runway reduce safety?</i> <i>The paved runway will improve safety - a grass runway is slippery when wet and can be boggy. Runway 02/20 is currently used for around 70 per cent of the time, as it has a better alignment in relation to wind direction than runway 16/34. It is anticipated that less than 10 per cent of the time the airport will be unusable due to high crosswinds. Each aircraft (and some operators) has individual crosswind limits. It is down to the individual pilot or operator to assess wind conditions at the time of flight. This is one of the many calculations made by all pilots prior to getting in their aircraft. It has been assessed that the airport will lose far fewer flights to crosswinds than currently to unsuitable field conditions.”</i>	Replace with: (page 7) <i>“Will having just one runway reduce safety?</i> <i>The paved runway will improve safety - a grass runway is slippery when wet and can be boggy. Runway 02/20 is currently used for around 70 per cent of the time, as it has a better alignment in relation to wind direction than runway 16/34.</i> <i>Civil Aviation Authority guidance confirms that a hard runway can increase safety. AIC (127/2006) (insert link/footnote) issued by the CAA discusses aircraft performance. The document shows a comparison between grass and hard surfaced take offs, with planes on the latter needing 20-30% less runway and landing aircraft 15-35% less. By definition, if a departing aircraft needs less runway it will be higher at the boundary, which provides a positive safety message.</i> <i>It is anticipated that less than 10 per cent of the time the airport will be unusable due to high crosswinds. Each aircraft (and some operators) has individual crosswind limits. It is down to the individual pilot or operator to assess wind conditions at the time of flight. This is one of the many calculations made by all pilots prior to getting in their aircraft. It has been assessed that the airport will lose far fewer flights to crosswinds than currently to unsuitable field conditions.</i> <i>The airport operator has a very good safety record . Rochester Airport will continue to be licenced by the Civil Aviation Authority, who take matters of safety very seriously. The airport will be subject to full annual inspections and re-assessments. The development works to the airport will also be subject to CAA licensing review, in addition to the assessments made through the planning application process.”</i>

4. Road traffic and design issues in Masterplan

Current content	Suggested amendment
Remove 8th paragraph 2.9: (page 6) <i>“Will there be more road traffic to / from the airport?”</i> <i>There may be an increase in leisure road traffic at weekends and bank holidays but it is not envisaged that this will increase substantially during the working week from current levels.”</i>	Replace with: (page 8) <i>“Will there be more road traffic to / from the airport?”</i> <i>Leisure road traffic at weekends and bank holidays may increase but it is not envisaged that this will increase substantially during the working week from current levels.</i> <i>The Masterplan recognises the importance of careful planning for transport movements, in the context of the wider area. A traffic impact assessment will be carried out at the planning application stage, and further details for management schemes proposed. This approach has been supported in the consultation response made by the Highways Agency.”</i>
Suggested new paragraphs under section 2.9 (page 6): (now pages 8 and 9) <i>“What type of employment will be generated on the masterplan site?”</i> <i>The airport’s direct operations have the opportunity to protect current jobs and the potential to provide some new ones with the development of more modern and diverse facilities.</i> <i>Within the airport operator’s lease boundary, there is also a commitment and opportunity to create aviation related employment that could diversify and benefit the airport’s traditional operations.</i> <i>The airport site is very well placed to create higher value employment on the land that will be released for development at the south and north of the site with the closure of Runway 16/34. This is due to a number of factors, including its excellent accessibility, visibility, access to superfast broadband, hotel availability, and co-location with existing prominent employers such as BAE Systems, Aeromet and several businesses based at the Innovation Centre.</i> <i>Working with local academia and existing employers provides an excellent opportunity to attract and grow a prominent industry sector that is rooted in Medway.</i> <i>What are the future plans for enhancing heritage facilities at the airport?”</i> <i>Rochester Airport is home to the valued Medway Aircraft Preservation Society (MAPS), which has an illustrious history of rebuilding historical aircraft. Many of these have seen service during World War II. There is a clear opportunity to maximise the positive contribution that MAPS brings to the airport site with its redevelopment. There is potential to enhance its working infrastructure at a gateway point to the airport and therefore diversify the airport offer into the tourism and visitor market.</i> <i>MAPS could also provide valuable training opportunities in engineering for young people in Medway – there are clear linkages with Medway’s engineering focussed University Technical College.”</i>	
Remove MAPS reference: (page 8) <i>“Reference F - Potential for some new development within the airport area.”</i>	Replace with: (page 10) <i>“Reference F - Potential for some new development within the airport area its beyond operational facilities, mainly providing new heritage facilities for the Medway Aircraft Preservation Society.”</i>

Remove 1st paragraph 3.6: (page 12) <i>“3.6 In its wider context, the site is well-connected to the road network. However, access onto the airport is limited. The main access is from the Maidstone Road, Chatham, which is poorly signed and is shared with a hotel at the southern end of the airport’s eastern boundary and Medway’s Innovation Centre, the latter of which hosts in excess of 200 jobs. The main access becomes busy at rush hour times and can cause delays to vehicles leaving the site.”</i>	Replace with: (page 14) <i>“3.6 In its wider context, the site is well-connected to the road network. However, access onto the airport is limited. The main access is from the Maidstone Road, Chatham, which is poorly signed and is shared with a hotel at the southern end of the airport’s eastern boundary and Medway’s Innovation Centre, the latter of which hosts in excess of 250 jobs. The main access becomes busy at rush hour times and can cause delays to vehicles leaving the site.”</i>
Additional text to 3.23 (page 15) in response to HA comments: (now page 17) <i>“This assessment will include consideration of the impact of the development on the strategic road network, and particularly Junction 3 of the M2.”</i>	
Additional text to Ecology, trees and landscape (page 16): (now page 19) <i>“3.34 The airport is an elevated site, making it prominent from a distance. The Kent Downs Area of Outstanding Natural Beauty is on the flight path of the airport. Any intensification of use of the airport will therefore have some impact on the tranquillity of the AONB to the west and south of the site. The impact of the height of new buildings on views out of the AONB should be taken into account at the planning applications stage.</i> <i>3.35 The airport site is close to residential and commercial areas. There are valued local views across the open frontage on the northern part of the airport’s boundary with the A229, providing wider views to the setting of the Kent Downs AONB to the south west.”</i>	

5. Planning

Suggested new paragraph under section 2.9 (page 6): (now page 9)

“Are the airport’s development plans subject to planning consent?

Planning consent for the airport’s development proposals will be required. There will be an initial screening of the potential environmental impacts. The planning process may involve more than one planning application, with outline consent sought for an overall masterplan and detailed planning applications to follow for specific aspects of proposed development. The applications will be submitted with evidence and information on a number of technical matters. These include a range of environmental and amenity impacts, air quality, pollution, noise, ecology, landscape, flood risk and drainage, infrastructure and services, heritage, safety, details of operations, transport and traffic impact assessments, topographical and structural surveys as required, an economic statement.

Any planning application formally submitted will be consulted upon in accordance with the Council’s adopted consultation procedures. This will include statutory consultees and local residents and businesses. Given the nature of the development, the applicant will be expected to arrange public consultation on the proposals prior to the submission of a planning application. All material planning considerations raised as a result of representations received will be considered in the processing of the planning application.

In addition to the planning application process, the airport operator will need to seek licensing consents from the Civil Aviation Authority.”

Current content	Suggested amendment
Remove 4.3: (page 18) <i>“The Draft Core Strategy’s overall spatial vision includes reference to Rochester Airfield, and envisages it as a technology and knowledge hub. The most relevant policies are therefore centred around economic development at both the local and national level.”</i>	Replace with: (page 20) <i>“In late 2013, Medway Council had to withdraw a well advanced draft Core Strategy from the Examination process. This resulted from a decision to designate a Site of Special Scientific Interest on land proposed for strategic development in the draft plan. The draft policies therefore have no planning status. However the policy framework that was emerging through the Core Strategy process expressed the council’s vision for the Rochester Airport site.”</i>
Remove bullet point 3: (page 18) <i>“The Medway Local Development Framework (LDF) Submission Draft Core Strategy (2012)”</i>	
Remove 4.4 and 4.5: (page 18) <i>“4.4 The introduction to the economic development chapter of the Submission Draft Core Strategy states that the immediate strategy must be about creating the right conditions for future growth and taking advantage of specific local opportunities on offer. BAE Systems at the airfield is recognised as one of the ‘specific local opportunities’ and the Draft Core Strategy states:</i> <i>“BAE Systems at Rochester Airfield. This is by some way the area’s largest private sector employer and the company is a global leader in its field. The company itself has identified opportunities for spin-off activities and land is available to develop complementary operations. This could create an economic ‘cluster’ of considerable significance. Future commercial development should be concentrated on advanced manufacturing and software engineering to foster growth in these sectors.”</i> <i>4.5 The draft policy CS17: Economic Development states that the ‘council particularly recognises ...the continuing opportunities at, and in close proximity to, Rochester Airfield to develop a technology and knowledge based cluster.”</i>	Replace with: (page 20) <i>“The Medway Sustainable Community Strategy, 2010-2026, set as economic development as one of its key ambitions: ‘Medway to have a thriving, diverse and sustainable economy matched by an appropriately skilled workforce and supported by a higher and further education centre of excellence’. Actions to achieve this ambition include a focus on sector development and ensuring the availability of employment space. The Rochester Airport site contributes to these activities.</i> <i>The work that was carried out for the production of the Core Strategy entailed assessments of employment land supply and need in Medway. This analysis was used to inform the development of policies. Through this work on the evidence base, the council confirmed the importance of the Rochester Airport site as a location for quality employment. This recognised the specific local opportunities generated by the presence of BAE Systems at this site, and particularly for development of a technology and knowledge based cluster of operations of considerable significance.”</i>
Remove 4.8: (page 18) <i>“4.8 Chapter 10 of the Draft Core Strategy sets out area policies. In relation to Rochester, however, the potential employment sites identified in Table 10.5 of the Core Strategy do not include the airfield. As the land requires the reconfiguration of the airfield to become available for development, it has not yet been included as delivery remains uncertain until the Rochester Airport Masterplan is in place as a masterplan.”</i>	

Remove 4.7: (page 18) <i>“The Medway Employment Land Review Consolidation Study identifies the amount of land and floorspace required to provide for 21,500 jobs up to 2026. This study was commissioned before the Core Strategy plan period was extended to 2028 and the jobs target is now lower. The land and floorspace figures therefore need to be reviewed. For the moment, the requirements for the ‘M2 Access Sub Area’ are set out as 183,747 square metres (sqm) on 32.25 hectares of land. There is sufficient floorspace overall to meet the identified employment requirements. However, within the M2 Access Sub Area there is a deficit of potential employment land of some 134,000 sqm. From a planning perspective, therefore, land at Rochester airfield is important to meeting the M2 Sub Area’s need for employment land.”</i>	Replace with: (page 20) <i>“The Medway Employment Land Review Consolidation Study identifies the amount of land and floorspace required to provide for 21,500 jobs up to 2026. This work is to be reviewed as part of the evidence base for a new local plan. For the moment, the requirements for the ‘M2 Access Sub Area’ are set out as 183,747 square metres (sqm) on 32.25 hectares of land. There is sufficient floorspace overall to meet the identified employment requirements. However, within the M2 Access Sub Area there is a deficit of potential employment land of some 134,000 sqm. From a planning perspective, therefore, land at Rochester airfield is important to meeting the M2 Sub Area’s need for employment land.”</i>
Remove 4.6: (page 18) <i>“The policy approach set out in the Draft Core Strategy accords with NPPF in relation to building a strong, competitive economy, particularly.”</i>	Replace with: (page 20) <i>“The council’s approach to the Rochester Airport site accords with the NPPF in relation to building a strong, competitive economy, particularly.”</i>
Remove 4.14, 4.15 and 4.16: (page 19) <i>“4.14 The draft Core Strategy states: “Facilities at Rochester Airport need reinvestment and upgrading and the current operator is working closely with the council to see how this might be achieved, while also ensuring that adjacent land can be fully utilised for employment purposes (see Economy chapter). Investigations are ongoing and it is expected that a masterplan covering both the Airport and surrounding land will be agreed in the near future.”</i> <i>4.15 Draft policy CS24 states that “The council will continue to work with the operator of Rochester Airport to objectively consider the future of the general aviation facility, bearing in mind its co-location with a strategic employment opportunity.”</i> <i>4.16 More generally, Policy CS24 of the draft Core Strategy sets out a series of actions in relation to the transport network. These include:</i> <i>• The highway system will be proactively managed to minimise congestion, through the operation of urban traffic management and control systems, the development of a quality bus network and selective junction improvements in congestion/air quality hotspots.</i>	Replace with: (page 21) <i>“Policies T1 to T6 in the Medway Local Plan, 2003, promote management of the impact of development on the highway network and provision for pedestrians, cyclists and public transport travel opportunities.”</i>

• <i>Car growth will be balanced by increasing the capacity, reliability and quality of public transport.</i> • <i>Walking and cycling networks will be extended, catering particularly for local journeys but also sub-regionally, including in conjunction with new developments.</i> • <i>All significant development proposals will be subject to an agreed transport assessment, which includes an assessment of the potential to encourage modal shift away from private car use.”</i>	

1 366 A 2

22nd October 2013

I am writing to ask you for your views about proposals to amend the council tax reduction scheme for working age customers from April 2014.

Currently, any entitlement to a reduction in council tax is based on a means test, by taking into consideration a customer's income and comparing this with any personal allowances, premiums and disregards to which they are entitled.

Each year the government increases the benefits which some people receive. We need to ensure that the reduction you receive on your council tax is based on your increased income. However, we also want to increase the personal allowances, premiums and disregards in the future to maintain the balance between your benefit and the allowances which you are entitled to. If we do not increase these figures then many people will find that they are worse off.

For example a single customer in receipt of Jobseeker's Allowance (contribution based) receives £71.70 a week, which means their personal allowance is currently £71.70 a week. This means that they are entitled to receive the maximum amount of council tax reduction (75 per cent of their council tax liability). If their Jobseeker's Allowance is increased by the government as a result of the annual up-rating of benefits to £72.42 a week, the assistance towards council tax will be reduced because it is now more than the personal allowance. We want to increase the allowances, premiums and disregards in the future in line with the government's figures for similar allowances.

Under the Medway scheme some people receive a lower council tax reduction because they have a grown up child or an adult living in the household. The amount of help the customer receives takes into account the gross income of the adult. We propose to review the amounts in the future to ensure that they remain fair in comparison with the income of the non-dependant adult. This is in an expectation that any other adults living in the property could reasonably be expected to make an appropriate contribution to the household.

Over the page you will find the proposals that we'd like your views on. You can complete the survey online at www.surveymonkey.com/s/CTproposal or you can complete and return the form to any Medway library by hand, or post to: MRBS, Gun Wharf, Dock Road, Chatham, Kent, ME4 4TR

This consultation will end on 6 December 2013.

I look forward to receiving your views, however, please note that individual responses will not be issued. Your views will be considered by members of the council and details of this consultation will be available for you to view online www.medway.gov.uk/mrbs

Yours sincerely



Mick Hayward
Chief Finance Officer



Proposals to amend the Medway council tax reduction scheme

- Q. Do you think it is right to increase personal allowances, premiums and disregards in the assessment of council tax reduction? **AGREE / DISAGREE / DON'T KNOW**

Entitlement to help with council tax is worked out by a means test. This means that the income of a customer and any partner is compared to their allowances. The proposal will mean that the balance between increases in benefits and allowances will be maintained.

- Q. Do you think it is right to review the amounts which are taken into account due to any other adults living in the property? **AGREE / DISAGREE / DON'T KNOW**

Currently people pay more because they have a grown up child or an adult living with them, although there are some exceptions to this. The proposal means that the amount payable may increase in line with the income of the non-dependant adult.

Medway is committed to consulting with all its residents and so to ensure that all groups within the community have the opportunity to participate in this consultation we would appreciate if you would provide us with the following personal information. The information provided will remain private and confidential and will not be used for any purpose other than to ensure that everybody has the opportunity to have their views and opinions heard. You are under no obligation to provide the following information and it will not affect your input if you choose not to.

- Q1 In which of the following age bands do you fall? (PLEASE TICK ONE BOX ONLY)
Under 18..... ☐ 1 18-64 ☐ 2 65 or over..... ☐ 3 Prefer not to say .. ☐ 4

- Q2 What is your ethnic group? (PLEASE TICK ONE BOX ONLY)
- | | |
|--|--|
| White British. ☐ 1 | Bangladeshi. ☐ 11 |
| White Irish ☐ 2 | Any other Asian background ☐ 12 |
| Any other White background ☐ 3 | Black or Black British ☐ 13 |
| Mixed White and Black Caribbean ☐ 4 | Black Caribbean..... ☐ 14 |
| Mixed White and Black African ☐ 5 | Black African ☐ 15 |
| Mixed White and Asian ☐ 6 | Any other Black background ☐ 16 |
| Any other mixed background..... ☐ 7 | Chinese..... ☐ 17 |
| Asian or Asian British..... ☐ 8 | Other ethnic group..... ☐ 18 |
| Indian ☐ 9 | Prefer not to say..... ☐ 19 |
| Pakistani ☐ 10 | |

- Q3 Do you have any long-term illness, health problem or disability, which limits your daily activity or the work you can do? (PLEASE TICK ONE BOX ONLY)
Yes..... ☐ 1 No ☐ 2 Prefer not to say ☐ 3

- Q4 Which of the following most accurately describes your current situation? (PLEASE TICK ONE BOX ONLY)
- | | |
|---|---|
| Working ☐ 1 | Not working (disabled, looking after the house/children, carer)..... ☐ 4 |
| Unemployed ☐ 2 | Student ☐ 5 |
| Retired ☐ 3 | Prefer not to say..... ☐ 6 |

- Q5 In which area do you live? (PLEASE TICK ONE BOX ONLY)
- | | |
|---|--|
| Chatham ☐ 1 | Parish in Medway..... ☐ 4 |
| Rochester (including Strood) ☐ 2 | Outside the Medway area ☐ 5 |
| Gillingham (including Rainham) ☐ 3 | Prefer not to say..... ☐ 6 |

CTR consultation - additional comments

Ref	Summary	
	Disagrees that reduction applies to those on JSA as this is the headline for many. Suggests that Government is asked for more funding. Council downsized in terms of Members and Officers, cut back on waste and sell assets. Critical of council's unwillingness to increase wages for low paid workers. Suggests that Airport will regenerate area and help to resolve some of the issues faced by the Council.	
1	Customer, partner and child are disabled. Suggest that council tax is reduced for those who recycle more.	disagrees with scheme - suggests other ways to fund disabled/carer believes view will not be considered, suggests other ways to fund
2	Carer - states they are saving LA money and yet feel they are penalised under CTR	Disagrees with scheme - Carer feels penalised
3	Believes that non dependant deduction is a method of "poll tax" believes that people on benefits are penalised	disagrees with scheme akin to poll tax/unreasonable
4	Carer and disabled, think they should get more help	disabled/carer believe more help should be available
5	Disagrees with review of non dependant deductions but thinks those over 25 years should pay	disagrees deduction for under 25's
6	Believes questions not written clearly and based on lies	No real comment
7	Agrees with adjustments, thinks these should be each quarter. Thinks deductions for non dependants except where carers	disagrees with deductions for carers
8	Disagrees with application of scheme for single JSA customers. Non dependant deduction should be only for those on high wage	Disagrees with scheme in general
9	Disagrees with scheme, states should be exempt as before, believes it is theft.	Disagrees with scheme in general
10	Agree with non dependant deduction only if receiving earnings	Disagrees with non dependant deduction in part
11	Disagrees with non dependant deduction as may be in education	Disagrees with non dependant deduction in part
12	Disagrees with scheme, states should be exempt, would like an SAE	Disagrees with scheme in general
13	Disagrees with scheme in general, believes persons from abroad will not have to pay	Disagrees with scheme in general
14	Unable to decipher	No real comment
15	States reduced income paying council tax is a struggle	Struggles to pay extra
16	States reduced income and has no money left	Struggles to pay extra
17	Disagrees that a customer who is severely disabled should come under the working age rules	Disagrees with inclusion in scheme - disabled
18	Agrees that allowances should be increased as a takes into account inflation	Broadly agrees with scheme
19	Believes that severely disabled person will struggle to pay any higher contribution	Struggles to pay extra
20	Disagrees with scheme, believes that people from abroad will not have to pay	Disagrees with scheme in general
21	Disagrees with scheme, states it is unfair to treat those who can work and those who are too ill to work in the same way	Disagrees with inclusion in scheme - disabled

Medway Council

The Council Tax Reduction Schemes (Medway Council) 2013

Approved and Made by Council
Coming into effect

24 January 2013
1 April 2013

Medway Council makes the following Scheme in exercise of the functions conferred (a) by sections 13A(1)(a), 13A(1)(c), 13A(2), 13A(3) and Schedule 1A to the Local Government Finance Act 1992 and all other enabling powers, (b) pursuant to Regulations made under section 113(1) and (2) of the 1992 Act and paragraph 2 of Schedule 1A to the Local Government Finance Act 2012 and (c) in accordance with Parts 1 to 3 and Schedules 7 to 8 of The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012.

Citation, commencement and application

(1) This scheme may be cited as the Council Tax Reduction Schemes (Medway Council) 2013 and comes into effect on 1 April 2013.

(2) This scheme applies in relation to the billing authority in England known as Medway Council.

Prescribed Statutory Requirements

The authority sets out the statutory provisions that must apply to all applicants for a reduction in accordance with the Prescribed Requirements Parts 1 to 3 and Schedules 7 to 8.

The authority further sets out the statutory provisions that apply to pensioners in accordance with the Prescribed Requirements Schedules 1 to 6

Local Scheme Requirements

Subject to amendments to Parts 1,2,4, 6,7,8,9,12, and inclusion of Schedules 6A and 8A, the local scheme requirements set out the provisions of the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012, which the authority has adopted as its scheme.

Name

Proper Officer

Date

Medway Council

SCHEDULE

Medway Council Local Council Tax Reduction Scheme 2013

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PART 1

Introduction

Introduction

1. This Scheme relates to the financial year beginning ~~with~~ 1 April 2013 and subsequent financial years until it is revised or replaced in accordance with Schedule 1A to the Local Government Finance Act 1992.~~may be cited as The Council Tax Reduction Schemes (Medway Council) 2013.~~
2. This Local Council Tax Reduction Scheme is implemented by Medway Council and is intended to assist people in financial need, by the award of a reduction in their council tax liability. The Government has prescribed that the reduction given to pensioners will not be any less than they would have received under the previous Council Tax Benefit provisions. The Council has decided that this protection will be extended to working age applicants in receipt of a war pension.

The Council has prescribed that the local reduction scheme will result in all working age claimants being liable to pay a minimum of 25% of their annual council tax liability, alternative maximum council tax benefit (second adult rebate) will be withdrawn, and a deduction in respect of non dependants will be extended to include those on a mean tested benefit.

3. In accordance with its duty under paragraph 5 of Schedule 1A to the Local Government Finance Act 1992, the Council will consider for each financial year whether to revise this Scheme or replace it with another scheme.~~This scheme will be reviewed after 1st April 2013 and subject to revision or replacement a decision will be made as to any scheme which will take effect from 1st April 2014~~
4. This scheme meets Medway Council's ~~statutory~~ duties under the following provisions:
 - Equality Act 2010 s.149, public sector equality duties with regard to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation, and
 - Child Poverty Act 2010, s21, duty to make arrangements with a view to reducing, and mitigating the effects of, child poverty in the local authority's area, and~~the duty to mitigate the effects of child poverty, and~~
 - Local Government Finance Act 1992, s13A and Schedule 1A and all statutory instruments made under it, and
 - Disabled Persons (Services, Consultation and Representation) Act 1986, and
 - Chronically Sick and Disabled Persons Act 1970, the duties relating to the welfare needs of disabled people, and
 - Housing Act 1996, the duty to prevent homelessness, and

- Armed Forces Covenant, to recognise what our Armed Forces do for us, especially the injured and the bereaved

through the inclusion of premia, allowances, disregards and extended reductions within the assessment of any reductions under this Scheme in order to protect those in financial need and to incentivise work initiatives and additional premia intended to benefit families, lone parents and the disabled as well as disregards of child benefit and certain disability allowances. Earnings disregards and extended reduction provisions apply in specified cases.

Additionally the Council will protect those persons who would be entitled to a reduction and who are in receipt of a war widows, war widowers or war disablement pension. A full equalities impact assessment has been carried out and will be subject to ongoing review.

PART 2

Interpretation

Interpretation

2. (1) — In this scheme:

“scheme” means council tax reduction scheme

In relation to the scheme:

the “authority” means the billing authority that is Medway Council

“2012 Act” means Local Government Finance Act 2012

“Prescribed Requirements” means The Council Tax Reduction Schemes Prescribed Requirements Scheme) (England) Regulations 2012 SI 2885

“Default Scheme” means The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 SI 2886

“the 1992 Act” means the Local Government Finance Act 1992;

“Abbeyfield Home” means an establishment run by the Abbeyfield Society including all bodies corporate or unincorporated which are affiliated to that society;

“adoption leave” means a period of absence from work on ordinary or additional adoption leave by virtue of section 75A or 75B of the Employment Rights Act 1996**(a)**;

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

“alternative maximum council tax reduction” means the amount determined in accordance with paragraph 31 and Schedule 4;

“applicable amount” means—

(a) in relation to a pensioner, the amount calculated in accordance with paragraph 25 and Schedule 2, and

(b) in relation to a person who is not a pensioner, the amount calculated in accordance with—

(i) paragraph 26 and Schedule 3; or

(ii) paragraph 28,

as the case may be;

“applicant” means a person who has made an application;

“application” means an application for a reduction under this scheme;

“assessment period” means—

(a) in relation to pensioners—

(i) in relation to the earnings of a self-employed earner, the period determined in accordance with paragraph 43 for the purpose of calculating the weekly earnings of the applicant; or

(ii) in relation to any other income, the period determined in accordance with paragraph 40 for the purpose of calculating the weekly income of the applicant;

(b) in relation to persons who are not pensioners, such period as is set out in paragraphs 47 to 49 over which income falls to be calculated;

(a) 1996 c.18. Sections 75A and 75B were inserted by section 3 of the Employment Act 2002 (c.22) and amended by the Work and Families Act 2006 (c.18), Schedule 1, paragraphs 33 and 34.

(b) 2004 c.32.

“attendance allowance” means—

- (a) an attendance allowance under Part 3 of the SSCBA(a);
- (b) an increase of disablement pension under section 104 or 105 of that Act;
- (c) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983(b) or any analogous payment; or
- (d) any payment based on need for attendance which is paid as part of a war disablement pension;

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

“basic rate” has the meaning given by the Income Tax Act 2007(c);

“the benefit Acts” means the SSCBA, the Jobseekers Act 1995(d), the State Pension Credit Act 2002(e) and the Welfare Reform Act 2007(f);

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

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

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

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- (a) 1992 c.4. See sections 64 to 67 of that Act in relation to attendance allowance; relevant amendments are referenced elsewhere in these Regulations.
 - (b) S.I. 1983/686; relevant amending instruments are S.I. 1984/1675, 2001/420.
 - (c) 2007 c.3. Section 989 defines basic rate by reference to section 6(2) of that Act. Section 6(2) was amended by section 5 of the Finance Act 2008 (c.9) and section 6 of, and paragraphs 1 and 2 of Schedule 2 to, the Finance Act 2009 (c.10).
 - (d) 1995 c.18.
 - (e) 2002 c.16.
 - (f) 2007 c.5.
 - (g) 2000 c.14. Section 3 was amended by paragraphs 1 and 4 of Schedule 5 to the Health and Social Care Act 2008 (c.14).
 - (h) 2001 asp 8.
 - (i) S.I. 2003/431 (N.I. 9).

“child” means a person under the age of 16;

“child benefit” has the meaning given by section 141 of the SSCBA^(j);

“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002^(k);

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

^(j) Section 141 was amended by section 1 of the Child Benefit Act 2005 (c.6).
^(k) 2002 c.21; section 8 is repealed by the Welfare Reform Act 2012 (c.5), Schedule 14, Part 1 (not yet in force).

“concessionary payment” means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act 2002**(a)** are charged;

“contributory employment and support allowance” means a contributory allowance under Part 1 of the Welfare Reform Act 2007**(b)**;

“council tax benefit” means council tax benefit under Part 7 of the SSCBA;

“couple” has the meaning given by paragraph 4;

“designated office” means the office of the authority designated by it for the receipt of applications—

- (a) by notice upon or with a form supplied by it for the purpose of making an application; or
- (b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application and without charge; or
- (c) by any combination of the provisions set out in paragraphs (a) and (b);

“disability living allowance” means a disability living allowance under section 71 of the SSCBA**(c)**;

“earnings” has the meaning given by paragraph 41, 44, 51 or 53 as the case may be;

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

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000**(d)**;

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

“the Employment, Skills and Enterprise Scheme” means a scheme under section 17A (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.) of the Jobseekers Act 1995**(f)** known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist claimants for job-seekers allowance to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search);

“employment zone” means an area within Great Britain designated for the purposes of section

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- (a) 2002 c.21.
 - (b) 2007 c.5. Part 1 concerns employment and support allowance; relevant amendments are referenced elsewhere in these Regulations.
 - (c) 1992 c.4. Section 71 was amended by section 67(1) of the Welfare Reform and Pensions Act 1999 (c.30) and repealed by section 90 of the Welfare Reform Act 2012 (not yet in force).
 - (d) 2002 c.7; that definition was amended by the Communications Act 2003 (c.21), Schedule 17, paragraph 158.
 - (e) Section 2(1)(a) was amended by the Income Tax (Earnings and Pensions) Act 2003, Schedule 6, paragraphs 169 and 171 (c.1).
 - (f) Section 17A was inserted by the Welfare Reform Act 2009 (c.24), section 1 and amended by the Welfare Reform Act 2012 (c.5), Schedule 7, paragraphs 1 and 4, and Schedule 14, Parts 1 and 3 (not yet in force). The section is repealed by Part 4 of Schedule 14 to that Act (not yet in force).

60 of the Welfare Reform and Pensions Act 1999^(g) and an “employment zone programme” means a programme established for such an area or areas designed to assist claimants for a jobseeker’s allowance to obtain sustainable employment;

“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament [or the National Assembly for Wales](#); |

^(g) 1999 c.30.

“extended reduction” means a reduction under this scheme for which a person is eligible under Part 12 (extended reductions);

“extended reduction period” means the period for which a person is in receipt of an extended reduction in accordance with paragraph 89, 96 or 101;

“extended reduction (qualifying contributory benefits)” means a reduction under this scheme for which a person is eligible in accordance with paragraph 88 or 95;

“family” has the meaning given by paragraph 6;

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

“guarantee credit” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;

“a guaranteed income payment” means a payment made under article 15(1)(c) (injury benefits) or 29(1)(a) (death benefits) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(a);

“housing benefit” means housing benefit under Part 7 of the SSCBA;

“an income-based jobseeker’s allowance” and “a joint-claim jobseeker’s allowance” have the meanings given by section 1(4) of the Jobseekers Act 1995(b);

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

“independent hospital”—

(a) in England means a hospital as defined by section 275 of the National Health Service Act 2006(c) that is not a health service hospital as defined by that section;

(b) in Wales has the meaning given by section 2 of the Care Standards Act 2000(d); and

(c) in Scotland means an independent health care service as defined by section 10F of the National Health Service (Scotland) Act 1978(e);

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

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- (a) S.I. 2011/517.
- (b) 1995 c.18. Section 1(4) was amended by the Welfare Reform and Pensions Act 1999, Schedule 7, paragraphs 1 and 2(1) and (4); the Civil Partnership Act 2004 (c.33); section 4 of the Welfare Reform Act 2009 (c.24), and is repealed by the Welfare Reform Act 2012, Schedule 14, Part 1 (not yet in force).
- (c) 2006 c.41. The definition of “health service hospital” has been amended by the Health and Social Care Act 2012 (c.7), Schedule 4, paragraph 138 (not yet in force).
- (d) 2000 c.14; section 2 was amended by the Health and Social Care Act 2008 (c.14), Schedule 5, paragraphs 1 and 3.
- (e) 1978 c.29; section 10F was inserted by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8).

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

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

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

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

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

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

“main phase employment and support allowance” means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007^(a) except in Part 1 of Schedule 3;

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

“maximum council tax reduction amount” means the amount determined in accordance with paragraph 29;

“member of a couple” means a member of a married or unmarried couple;

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

“mobility supplement” means—

- (a) in relation to pensioners, a supplement to which paragraph 5(1)(a)(vii) of Schedule 5 refers;
- (b) in relation to persons who are not pensioners, a supplement to which paragraph 13 of Schedule 8 refers;

(a) Section 2(1)(b) is amended by the Welfare Reform Act 2012, Schedule 23, paragraph 24 (not yet in force); section 4 is repealed by Part 1 of Schedule 14 to that Act (not yet in force).

(b) 1996 c.18

“mover” means an applicant who changes the dwelling in which the applicant is resident, and in respect of which the applicant is liable to pay council tax, from a dwelling in the area of the authority to a dwelling in the area of a second authority;

“net earnings” means such earnings as are calculated in accordance with paragraph 42 or 52, as the case may be;

“net profit” means such profit as is calculated in accordance with paragraph 61;

“new dwelling” means, for the purposes of the definition of “second authority” and paragraphs 91, 98 and 103, the dwelling to which an applicant has moved, or is about to move, in which the applicant will be resident;

“non-dependant” has the meaning given by paragraph 9;

“occasional assistance” means any payment or provision made by a local authority, the Welsh Ministers or the Scottish Ministers for the purposes of—

- (a) meeting, or helping to meet an immediate short-term need—
 - (i) arising out of an exceptional event or exceptional circumstances, or
 - (ii) that needs to be met to avoid a risk to the well-being of an individual, and
- (b) enabling qualifying individuals to establish or maintain a settled home, and—
 - (i) “local authority” has the meaning given by section 270(1) of the Local Government Act 1972(c); and
 - (ii) “qualifying individuals” means individuals who have been, or without the assistance might otherwise be—
 - (aa) in prison, hospital, an establishment providing residential care or other institution, or
 - (bb) homeless or otherwise living an unsettled way of life;

(c) 1972 c. 70. The definition of local authority was amended by section 102 of, and paragraph 8 of Schedule 16 and Schedule 17 to, the Local Government Act 1985. Other amendments have been made to that definition but they are not relevant to these Regulations.

and “local authority” means a local authority in England within the meaning of the Local Government Act 1972 **(a)**; “occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

“occupational pension scheme” has the same meaning as in section 1 of the Pension Schemes Act 1993**(b)**;

“partner”, in relation to a person, means—

- (a) where that person is a member of a couple, the other member of that couple;
- (b) subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or
- (c) where that person is polygamously married and has an award of universal credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

“paternity leave” means a period of absence from work on ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act**(c)**;

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

“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995**(d)**;

“pensioner” has the meaning given by paragraph 3(2)(a);

“person on income support” means a person in receipt of income support;

“person treated as not being in Great Britain” has the meaning given by paragraph 21; “person who is not a pensioner” has the meaning given by paragraph 3(2)(b);

“personal independence payment” has the meaning given by Part 4 of the Welfare Reform Act 2012**(e)**;

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- (a)** 1972 c.70. See section 270(1) of that Act for the definition of “local authority”; a relevant amendment was made to that definition by the Local Government Act 1985 (c.51), Schedule 17.
 - (b)** 1993 c.48. The definition of “occupational pension scheme” was substituted by section 239 of the Pensions Act 2004 (c.35) and amended by S.I. 2007/3014.
 - (c)** 1996 c. 18; sections 80A and 80B were inserted by section 1 of the Employment Act 2002 (c. 22) and sections 80AA and 80BB were inserted by section 3 of the Work and Families Act 2006 (c. 18). Relevant regulations made under these sections are S.I. 2002/2788 and S.I. 2003/921 (made under sections 80A and 80B) and S.I. 2010/1055 and S.I. 2010/1059 (made under sections 80AA and 80BB).
 - (d)** 1995 c.26; paragraph 1 has been amended by the State Pension Credit Act 2002 (c.16), Schedule 2, paragraph 39; the Welfare Reform Act 2007, Schedule 3, paragraph 13; the Pensions Act 2007 (c.22), Schedule 3, paragraph 4; and section 1 of the Pensions Act 2011 (c.19).
 - (e)** 2012 c.5.

“personal pension scheme” means—

- (a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993^(f);
- (b) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988^(g) or a substituted contract within the meaning of section

^(f) 1993 c.48; the definition of “personal pension scheme” was substituted by section 239 of the Pensions Act 2004 (c.35) and amended by the Finance Act 2007 (c.11), Schedule 20, paragraph 23 and Schedule 27, Part 3.

^(g) 1988 c.1.

- 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004**(a)**;
- (c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;
- “policy of life insurance” means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;
- “polygamous marriage” means any marriage to which paragraph 5 applies;
- “qualifying age for state pension credit” means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002**(b)**)—
- (a) in the case of a woman, pensionable age; or
- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;
- “qualifying contributory benefit” means—
- (a) severe disablement allowance;
- (b) incapacity benefit;
- (c) contributory employment and support allowance;
- “qualifying income-related benefit” means—
- (a) income support;
- (b) income-based jobseeker’s allowance;
- (c) income-related employment and support allowance;
- “qualifying person” means a person in respect of whom payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
- “reduction week” means a period of seven consecutive days beginning with a Monday and ending with a Sunday;
- “relative” means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece; “relevant week”, in relation to any particular day, means the week within which the day in question falls;
- “remunerative work” has the meaning given by paragraph 10;
- “rent” means “eligible rent” to which regulation 12 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**(c)** refer, less any deductions in respect of non-dependants which fall to be made under paragraph 30 (non-dependant deductions);
- “savings credit” is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002**(d)**;
- “second authority” means the authority to which a mover is liable to make payments for the new dwelling;

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- (a) 2004 c.12
- (b) 2002 c.16.
- (c) S.I. 2006/214; amended by S.I. 2007/1356, 2007/2869.
- (d) 2002 c.16. Section 3 was amended by the Civil Partnership Act 2004 (c.33), Schedule 24, paragraph 140 and S.I. 2002/1792.

“self-employed earner” is to be construed in accordance with section 2(1)(b) of the SSCBA; “self-employment route” means assistance in pursuing self-employed earner’s employment whilst participating in—

- (a) an employment zone programme;
- (b) a programme provided by or under arrangements made pursuant to section 2 of the Employment and Training Act 1973(a) (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990(b) (functions in relation to training for employment, etc.); or(c) the Employment, Skills and Enterprise Scheme;

“service user group” means a group of individuals that is consulted by or on behalf of—

- (a) a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978(c);
- (b) a landlord authority in consequence of a function under section 105 of the Housing Act 1985(d);
- (c) a public authority in Northern Ireland in consequence of a function under section 49A of the Disability Discrimination Act 1995(e);
- (d) a public authority in consequence of a function under section 149 of the Equality Act 2010(f);
- (e) a best value authority in consequence of a function under section 3 of the Local Government Act 1999(g);
- (f) a local authority landlord or registered social landlord in consequence of a function under section 53 of the Housing (Scotland) Act 2001(h);
- (g) a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006(i);
- (h) a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006(j);
- (i) the Care Quality Commission in exercise of a function under section 4 or 5 of the Health and Social Care Act 2008(k);
- (j) the regulator or a private registered provider of social housing in consequence of a function under section 98, 193 or 196 of the Housing and Regeneration Act 2008(l); or
- (k) a public or local authority in Great Britain in consequence of a function conferred under any other enactment,

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- (a) 1973 c.50. Section 2 was substituted by section 25(1) of the Employment Act 1988 (c.19) and repealed in part by the Employment Act 1989 (c.38), Schedule 7, Part 1.
 - (b) 1990 c.35.
 - (c) 1978 c.29.
 - (d) 1985 c.68; section 105 was amended by S.I. 1996/2325; the Government of Wales Act 1998 (c.38), Schedule 8, paragraph 5 and Schedule 16, paragraph 5, and S.I. 2010/866.
 - (e) 1995 c.50; section 49A was inserted in respect of Northern Ireland by S.I. 2006/312 (N.I. 1). (f) 2010 c.15.
 - (g) 1999 c.27; section 3 was amended by the Local Government and Public Involvement in Health Act 2007 (c.28), section 137.
 - (h) 2001 asp 10
 - (i) 2006 c.41.
 - (j) 2006 c.42.
 - (k) 2008 c.14; section 4 has been amended by section 189 of the Health and Social Care Act 2012 (c.7) but those amendments are not yet in force.
 - (l) 2008 c.17; section 193 was amended by the Localism Act 2011 (c.20), Schedule 17, paragraphs 1 and 4 and Schedule 25, Part 27.

for the purposes of monitoring and advising on a policy of that body or authority which affects or may affect persons in the group, or of monitoring or advising on services provided by that body or authority which are used (or may potentially be used) by those persons;

“single applicant” means an applicant who neither has a partner nor is a lone parent;

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

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

“the SSCBA” means the Social Security Contributions and Benefits Act 1992(b);

“state pension credit” means state pension credit under the State Pension Credit Act 2002(c); “student” has the meaning given by paragraph 73;

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

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

- (a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Chief Executive of Skills Funding or the Welsh Ministers;
- (b) to a person for his maintenance or in respect of a member of his family; and
- (c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers,

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

“the Trusts” (except where the context otherwise requires) means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust and “Trustees” is to be construed accordingly;

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- (a) 1993 c.39; subsection (2) was amended by S.I. 1996/3095, 1999/1663
 - (b) 1992 c.4.
 - (c) 2002 c.16.
 - (d) 1973 c.50; section 2 was substituted by the Employment Act 1988 (c.19), section 25 and amended by the Employment Act 1989 (c.38), Schedule 7, Part 1.

“universal credit” has the meaning given by section 1 of the Welfare Reform Act 2012^(e); “voluntary organisation” means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

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

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

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

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

“water charges” means—

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

(e) 2012 c.5.

(f) 2003 c.1; subsection (2) was inserted by the Finance Act 2005 (c.7), section 19.

(g) 1991 c.56.

- (b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002**(a)**,
in so far as such charges are in respect of the dwelling which a person occupies as his home;
“working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002**(b)**;
“young person” means a person who falls within the definition of qualifying young person in section 142 of the SSCBA**(c)**.

(2) In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny must be disregarded if it is less than half a penny and must otherwise be treated as a whole penny.

(3) For the purpose of this scheme, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day—

- (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker’s allowance but where the allowance is not paid because of a reduction in accordance with section 19 or 19A or regulations made under section 17A or 19B of the Jobseekers Act 1995**(d)** (circumstances in which a jobseeker’s allowance is not payable);
- (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker’s allowance is payable to him or would be payable to him but for section 19 or 19A or regulations made under section 17A or 19B of that Act; or

(a) 2002 asp 3; section 29A was substituted together with sections 29B to 29G for section 29 as originally enacted by section 21 of the Water Services etc. (Scotland) Act 2005 (asp 3).
 (b) 2002 c.21.
 (c) Section 142 was amended by section 1 of the Child Benefit Act 2005 (c.6).
 (d) 1995 c.18; section 19 (together with sections 19A to 19C), has been substituted by section 46 of the Welfare Reform Act 2012 (c.5) but that amendment is not yet in force (sections 19A to 19C are however); section 17A has been repealed by Part 4 of Schedule 14 to that Act although that provision is not yet in force. In the meantime amendments have been made to section 17A by sections 48 and 59 of, and Schedules 7 and 14 to, the 2012 Act.

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

(4) For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day—

- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act 2007^(f) (disqualification); or
- (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act (employment and support allowance: supplementary provisions) and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.

(e) 2001 c.11; section 6B was amended by sections 9, 24 and 58 of, and paragraphs 9 and 10 of Schedule 2 and Part 1 of Schedule 7 to, the Welfare Reform Act 2009 (c.24); sections 31, 113, 118, 119, 121 and 147 of, paragraphs 56 and 58 of Schedule 2, paragraphs 15 and 16 of Schedule 3, Parts 1 and 12 of Schedule 14, to the Welfare Reform Act 2012 (c.5), of which only those made by section 113 (to subsection (1)(b)) are in force. Section 7 was amended by section 14 of, and Part 3 of Schedule 3 to, the State Pension Credit Act 2002 (c.16); sections 28 and 49 of, and paragraph 23 of Schedule 3 to, the Welfare Reform Act 2007 (c.5); sections 9, 24 and 58 of, and paragraphs 9 and 11 of Schedule 2, Part 1 of Schedule 4 and Part 1 of Schedule 7 to, the Welfare Reform Act 2009 (of which those made by sections 9, 31 and Schedule 7 are not yet in force); S.I. 2011/2298; sections 31, 118, 119 and 147 of, and paragraphs 56 and 59 of Schedule 2, paragraphs 15 and 17 of Schedule 3 and Part 1 of Schedule 14 to, the Welfare Reform Act 2012, none of which are yet in force. Section 8 has been repealed by section 147 of, and Part 1 of Schedule 14, to the Welfare Reform Act 2012, but that repeal is not yet in force. Amendments have also been made by sections 1, 24, and 58 of, and Part 1 of Schedule 4 and Part 3 of Schedule 7 to, the Welfare Reform Act 2009; sections 31, 48, 113 and 147 of, and paragraphs 56 and 60 of Schedule 2, paragraph 12 of Schedule 7 and Part 12 of Schedule 14 to, the Welfare Reform Act 2012, of which only those made by section 113 are in force. Section 9 was amended by section 14 of, and Part 3 of Schedule 2 to, the State Pension Credit Act 2002; sections 28 of, and paragraph 23 of Schedule 3 to, the Welfare Reform Act 2007; sections 9 and 58 of, and Part 1 of Schedule 7 to, the Welfare Reform Act 2009, none of which are in force; sections 31, 113 and 147 of, and paragraphs 56 and 61 of Schedule 2 and Part 1 of Schedule 14 to, the Welfare Reform Act 2012, of which only those made by section 113 are in force.

(f) 2007 c.5.

(5) For the purposes of this scheme, two persons must be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.

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

Application of scheme: pensioners and persons who are not pensioners

3. (1) This scheme applies to—
- (a) pensioners who fall within any of classes A to C(b); and
 - (b) persons who are not pensioners who fall within any of classes D to H(c).
- (2) In this scheme—
- (a) a person is a “pensioner” if—
 - (i) he has attained the qualifying age for state pension credit; and
 - (ii) he is not, [erand](#), if he has a partner, his partner is not—
 - (aa) a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance, or
 - (bb) a person with an award of universal credit; and
 - (b) a person is a “person who is not a pensioner” if—
 - (i) he has not attained the qualifying age for state pension credit; or
 - (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is—
 - (aa) a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance, or
 - (bb) a person with an award of universal credit.

Meaning of “couple”

4. (1) In this scheme “couple” means—
- (a) a man and woman who are married to each other and are members of the same household;
 - (b) a man and woman who are not married to each other but are living together as husband and wife;
 - (c) two people of the same sex who are civil partners of each other and are members of the same household; or
 - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.
- (2) Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes.

(a) S.I. 2002/1792.
(b) See paragraphs 13 to 15 of this scheme.
(c) See paragraphs 16 to 18(B) of this scheme.

Polygamous marriages

5. (1) This paragraph applies to any case where—
- (a) a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and
 - (b) either party to the marriage has for the time being any spouse additional to the other party.
- (2) For the purposes of paragraph 4 (meaning of “couple”) neither party to the marriage is to be taken to be a member of a couple.

Meaning of “family”

6. (1) In this scheme “family” means—
- (a) a couple;
 - (b) a couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person; or
 - (c) a person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person.
- (2) The references to a child or young person in sub-paragraph (1)(b) and (c) include a child or young person in respect of whom section 145A of the SSCBA^(a) applies for the purposes of entitlement to child benefit, but only for the period prescribed under section 145A(1).
- (3) The references to a young person in sub-paragraph (1)(b) and (c) do not include a young person who is—
- (a) on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance, or has an award of universal credit; or
 - (b) a person to whom section 6 of the Children (Leaving Care) Act 2000^(b) (exclusion from benefits) applies.

Circumstances in which a person is to be treated as responsible or not responsible for another

7. (1) A person is to be treated as responsible for a child or young person who is normally living with him, including a child or young person to whom paragraph 6(2) applies.
- (2) Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person must be treated for the purposes of sub-paragraph (1) as normally living with—
- (a) the person who is receiving child benefit in respect of that child or young person, or

(a) Section 145A inserted by the Tax Credits Act 2002 (c.21), section 55(1).
(b) 2000 c.35.

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

(3) For the purposes of this scheme a child or young person is the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this paragraph is to be treated as not so responsible.

Households

8. (1) Subject to sub-paragraphs (2) and (3), an applicant and any partner and, where the applicant or his partner is treated (by virtue of paragraph 7) as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

(2) A child or young person is not be treated as a member of the applicant's household where he is—

- (a) placed with the applicant or his partner by a local authority under section 22C or 23(2)(a) of the Children Act 1989(a) or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out or placed with the applicant or his partner under a relevant enactment; or
- (b) placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
- (c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002(b) or the Adoption Agencies (Scotland) Regulations 2009(c) or the Adoption (Northern Ireland) Order 1987(d).

(3) Subject to sub-paragraph (4), sub-paragraph (1) does not apply to a child or young person who is not living with the applicant and who—

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

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- (a) 1989 c.41; section 23 was substituted by sections 22A to 22F by section 8(1) of the Children and Young Persons Act 2008 (c.23). Section 22C is in force in England but not yet in force in Wales. Section 59(1)(a) was amended by section 49 of the Children Act 2004 (c.31) and paragraph 2 of Schedule 1 to the Children and Young Persons Act 2008.
 - (b) 2002 c.38.
 - (c) S.I. 2009/154.
 - (c) S.I. 1987/2203 (N.I. 22)
 - (d) 1955 c.18.

(4) The authority must treat a child or young person to whom sub-paragraph (3)(a) applies as being a member of the applicant's household in any reduction week where—

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

(5) In this paragraph "relevant enactment" means—

- (a) the Army Act 1955**(e)**;
- (b) the Air Force Act 1955**(f)**;
- (c) the Naval Discipline Act 1957**(g)**;
- (d) the Matrimonial Proceedings (Children) Act 1958**(h)**;
- (e) the Social Work (Scotland) Act 1968**(i)**;
- (f) the Family Law Reform Act 1969**(j)**;
- (g) the Children and Young Persons Act 1969**(k)**;
- (h) the Matrimonial Causes Act 1973**(l)**;
- (i) the Children Act 1975**(m)**;
- (j) the Domestic Proceedings and Magistrates' Courts Act 1978**(n)**;

(e) 1955 c.19

(f) 1957 c.53

(g) 1958 c.40.

(h) 1968 c.49

(i) 1969 c.46.

(j) 1969 c.54.

(k) 1973 c.18.

(m) 1975 c.72; this Act was repealed in respect of England and Wales by Schedule 15 to the Children Act 1989 (c.41). It continues to have effect in Scotland.

(n) 1978 c.22.

- (k) the Adoption and Children (Scotland) Act 2007~~(a)~~;
- (l) the Family Law Act 1986~~(b)~~;
- (m) the Children Act 1989;
- (n) the Children (Scotland) Act 1995~~(c)~~; ~~and~~
[\(na\) the Children's Hearings \(Scotland\) Act 2011 \(d\);and](#)
- (o) the Legal Aid, Sentencing and Punishment of Offenders Act 2012~~(ed)~~.

Non-dependants

9. (1) In this scheme, “non-dependant” means any person, except someone to whom sub- paragraph (2) applies, who normally resides with an applicant or with whom an applicant normally resides.

(2) This paragraph applies to—

- (a) any member of the applicant's family;
- (b) if the applicant is polygamously married—
 - (i) where the applicant has (alone or jointly with his partner) an award of universal credit, any—
 - (aa) party to such a marriage other than the applicant's partner; and
 - (bb) any child or young person who is a member of his household and for whom he or his partner or another party to the polygamous marriage is responsible; or
 - (ii) in any other case, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
- (c) a child or young person who is living with the applicant but who is not a member of his household by virtue of paragraph 8 (households);
- (d) subject to sub-paragraph (3), any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under section 6 or 7 of the 1992 Act (persons liable to pay council tax);
- (e) subject to sub-paragraph (3), any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
- (f) a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

(a) 2007 asp 4
 (b) 1986 c.55.

- (c) 1995 c.36.
- (d) [2011 asp 1.](#)
- (e) 2012 c.10.

(3) Excepting persons to whom sub-paragraph (2)(a) to (c) and (f) refer, a person to whom any of the following paragraphs applies is a non-dependant—

- (a) a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either—
 - (i) that person is a close relative of his or his partner; or
 - (ii) the tenancy or other agreement between them is other than on a commercial basis;
- (b) a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of a council tax reduction scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
- (c) a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the change giving rise to the new liability was not made to take advantage of a council tax reduction scheme.

Remunerative work

10. (1) Subject to the following provisions of this paragraph, a person must be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.

(2) Subject to sub-paragraph (3), in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard must be had to the average of hours worked over—

- (a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
- (b) in any other case, the period of 5 weeks immediately prior to the date of application, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately.

(3) Where, for the purposes of sub-paragraph (2)(a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work must be disregarded in

establishing the average hours for which he is engaged in work.

(4) Where no recognisable cycle has been established in respect of a person's work, regard must be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.

(5) A person must be treated as engaged in remunerative work during any period for which he is absent from work referred to in sub-paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.

(6) A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week is to be treated as not being in remunerative work in that week.

(7) A person must not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.

(8) A person must not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which—

- (a) a sports award has been made, or is to be made, to him; and
- (b) no other payment is made or is expected to be made to him.

PART 3

Procedural matters

Procedure for reduction applications and appeals against reduction decisions

- 11.** Schedule 1 contains provisions about the procedure—
- (a) by which a person may apply for a reduction under this scheme;
 - (b) by which a person may make an appeal against certain decisions of the authority;
 - (c) by which a person can apply to the authority for a reduction under section 13A(1)(c) of the 1992 Act.

PART 4

Classes of person entitled to a reduction under this scheme

Classes of person entitled to a reduction under this scheme

12. (1) The classes of person described in paragraphs 13 to 18(B) are entitled to a reduction under this scheme.

(2) In those paragraphs, references to the applicant's income or capital include, in a case where that income or capital cannot accurately be determined, references to the applicant's estimated income or capital.

Class A: pensioners whose income is no greater than~~less than~~ the applicable amount

13. On any day class A consists of any person who is a pensioner—

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident~~(a)~~;
- (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income (if any) for the relevant week does not exceed his applicable amount, and
- (f) who has made an application.

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

14. On any day class B consists of any person who is a pensioner—

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income for the relevant week is greater than his applicable amount;
- (f) in respect of whom amount A exceeds amount B where—
 - (i) amount A is the maximum council tax reduction in respect of the day in the applicant's case; and
 - (ii) amount B is $2\frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount, and
- (g) who has made an application.

(a) See section 6(5) of the Local Government Finance Act 1992 for the meaning of "resident"

in relation to a dwelling.

Class C: alternative maximum council tax reduction – pensioners

15. (1) On any day class C consists of any person who is a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) who has made an application; and
 - (f) in relation to whom the condition in sub-paragraph (2) is met.

(2) The condition referred to in sub-paragraph (1)(f) is that no other resident of the dwelling is liable to pay rent to the applicant in respect of the dwelling and there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate incomes, of one or more residents to whom this sub-paragraph applies (3) Sub-paragraph (2) applies to any other resident of the dwelling who—

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

Class D: persons who are not pensioners whose income is less than the applicable amount

16. On any day class D consists of any person who is not a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) whose income (if any) for the relevant week is less than his applicable amount, and
 - (f) who has made an application.

Class E: persons who are not pensioners whose income is greater than the applicable amount

17. On any day class E consists of any person who is not a pensioner—
- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (f) whose income for the relevant week is greater than his applicable amount;
 - (g) in respect of whom amount A exceeds amount B where—
 - (i) amount A is the maximum council tax reduction in his case; and
 - (ii) amount B is $2\frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount, and
 - (g) who has made an application.

Class F: alternative maximum council tax reduction – persons who are not pensioners and who are in receipt of a war pension, war disablement pension, war widows pension, war widower's pension

18. (1) Subject to paragraphs 16 and 17, on any day class F consists of any person who is not a pensioner and who receives any of the following, namely - :
- (i) a war disablement pension; and
 - (ii) a war widow's pension or war widower's pension;

as defined by the Schedule of The Housing Benefit and Council Tax Benefit (War Pensions Disregards) Regulations 2007 (as amended by SI 2010/2449)

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

and;

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) who has made an application; and
- (f) in relation to whom the condition in sub-paragraph (2) is met.

(2) The condition referred to in sub-paragraph (1)(f) is that no other resident of the dwelling is liable to pay rent to the person in question in respect of the dwelling and there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate incomes, of one or more residents to whom this sub-paragraph applies.

(3) Sub-paragraph (2) applies to any other resident of the dwelling who—

- (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; and
- (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant for the reduction is a member of that couple or of that marriage and—
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
 - (ii) in the case of a polygamous marriage, two or more members of

that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;

- (d) is not a person who jointly with the applicant for reduction falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- (e) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

(4) A person referred to in sub-paragraph (1) is to be given further reductions as the authority thinks fit under section 13A(1)(c) of the 1992 Act.

(5) On any day an applicant who falls within Class F may also fall within any of the Classes A to H, but not more than one at any one period of time.

Class G: persons who are not pensioners and who are in receipt of a war pension, war disablement pension, war widows pension, war widower's pension whose income is less than the applicable amount

18(A). (1) Subject to paragraphs 16 and 17, on any day class G consists of any person who is not a pensioner and who receives any of the following, namely - :

- (i) a war disablement pension; and
- (ii) a war widow's pension or war widower's pension;

as defined by the Schedule of The Housing Benefit and Council Tax Benefit (War Pensions Disregards) Regulations 2007 (as amended by SI 2010/2449)

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

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income (if any) for the relevant week is less than his applicable amount, and
- (f) who has made an application

(2) A person referred to in sub-paragraph (1) is to be given further reductions as the authority thinks fit under section 13A(1)(c) of the 1992 Act.

(3) On any day an applicant who falls within Class G may also fall within any of the Classes A to H, but not more than one at any one period of time.

Class H: persons who are not pensioners and who are in receipt of a war pension, war disablement pension, war widows pension, war widower's pension whose income is greater than the applicable amount

18(b). (1) Subject to paragraphs 16 and 17, on any day class H consists of any person who is not a pensioner and who receives any of the following, namely - :

- (i) a war disablement pension; and
- (ii) a war widow's pension or war widower's pension;

as defined by the Schedule of The Housing Benefit and Council Tax Benefit (War Pensions Disregards) Regulations 2007 (as amended by SI 2010/2449)

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

and;

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income for the relevant week is greater than his applicable amount;
- (f) in respect of whom amount A exceeds amount B where—
 - (i) amount A is the maximum council tax reduction in his case; and
 - (ii) amount B is $2\frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount, and
- (g) who has made an application

(2) A person referred to in sub-paragraph (1) is to be given further reductions as the authority thinks fit under section 13A(1)(c) of the 1992 Act.

(3) On any day an applicant who falls within Class H may also fall within any of the Classes A to H, but not more than one at any one period of time.

Periods of absence from a dwelling

19. (1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

(2) In sub-paragraph (1), a “period of temporary absence” means—

- (a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as—
 - (i) the person resides in that accommodation;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
 - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks, where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
- (b) a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as—
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
 - (iii) that period is unlikely to exceed 13 weeks; and

(c) a period of absence not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as—

- (i) the person intends to return to the dwelling;
- (ii) the part of the dwelling in which he usually resided is not let or sub-let;
- (iii) the person is a person to whom sub-paragraph (3) applies; and
- (iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

(3) This sub-paragraph applies to a person who—

- (a) is detained in custody on remand pending trial or required, as a condition of bail, to reside—
 - (i) in a dwelling, other than the dwelling referred to in sub-paragraph (1), or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007^(a), or is detained in custody pending sentence upon conviction;
- (b) is resident in a hospital or similar institution as a patient;

(a) 2007 c.21.

- (c) is undergoing, or whose partner or dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following, in the United Kingdom or elsewhere, a training course;
- (e) is undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
- (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
- (g) is, in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
- (h) is a student;
- (i) is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

(4) This sub-paragraph applies to a person who is—

- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983^(a), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003^(b) or the Criminal Procedure (Scotland) Act 1995^(c) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986^(d)); and
- (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952^(e) or the Prisons (Scotland) Act 1989^(f).

(5) Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release—

- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
- (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;
- (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident

(a) 1983 c.20.
 (b) 2003 asp 13.
 (c) 1995 c.46.
 (d) S.I. 1986/595 (N.I. 4)
 (e) 1952 c.52.
 (f) 1989 c.45.

(6) In this paragraph—

“medically approved” means certified by a medical practitioner;

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“residential accommodation” means accommodation which is provided in—

(a) a care home;

(b) an independent hospital;

(c) an Abbeyfield Home; or

(d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

(e)

“training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

PART 5

Classes of person excluded from this scheme

Classes of person excluded from this scheme

20. The classes of person described in paragraphs 21 to 24 are not entitled to a reduction under this scheme.

Class of person excluded from this scheme: persons treated as not being in Great Britain

21. (1) The class of person described in this paragraph consists of any person treated as not being in Great Britain.

(2) Except where a person falls within sub-paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

(3) A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.

(4) For the purposes of sub-paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with—

- (a) regulation 13 of the EEA Regulations or Article 6 of Council Directive No 2004/38/EC(a);

(aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—

- (i) a jobseeker for the purpose of the definition of “qualified person” in regulation 6(1) of those Regulations, or
(ii) a family member (within the meaning of Regulation 7 of those Regulations) of such a jobseeker;

(ab) Article 45 of the Treaty on the functioning of the European Union (b) (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the ~~Replublic~~Republic of Ireland);
or

- (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (4A) of that regulation or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen)(b).

(5) A person falls within this sub-paragraph if the person is—

- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;

- (b) a family member of a person referred to in paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
-

(a) OJ No L 158, 30.4.04, p 77.

(b) A consolidated version of this Treaty was published in the Official Journal on [30.3.2010](#) C 83. |

- (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- (e) a person who has been granted, or who is deemed to have been granted, leave outside the ~~limited leave to enter or remain in the United Kingdom outside the provisions of the~~ rules made under section 3(2) of the Immigration Act 1971~~(ec)~~ where that leave is –
~~on the rejection of their claim for asylum;~~
 - ~~—(i) discretionary leave to enter or remain in the United Kingdom,~~
 - ~~—(ii) leave to remain under the Destitution Domestic Violence concession –(d) which came into effect on 1st April 2012, or~~
 - ~~—(iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005 (e);~~
- (f) a person who has humanitarian protection granted under those rules;
or
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999~~(fd)~~ and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.
- (h) in receipt of income support, an income-based jobseeker's allowance or on an income-related employment and support allowance; or
- (i) a person who is treated as a worker for the purpose of the definition of "qualified person" in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (g) (right of residence of a Croatian who is an "accession State national subject to worker authorisation")

(6) A person falls within this sub-paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.

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

(8) In this paragraph—

"claim for asylum" has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999~~(eh)~~;

"EEA Regulations" means the Immigration (European Economic Area) Regulations 2006~~(fi)~~.

Class of person excluded from this scheme: persons subject to immigration control

22. (1) Subject to paragraph (1A), Ppersons subject to immigration control are not entitled to a reduction under this scheme.

(1A) A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (j) (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph (1).

(2) "Person subject to immigration control" has the meaning given in section 115(9) of the Immigration and Asylum Act 1999.

(c) 1971 c.77

(d) The Destitution Domestic Violence concession is published by the Home Office at <http://www.ukba.homeoffice.gov.uk/>.

(e) S.I. 2005/1379 as amended by S.I. 2013/630 and other amending instruments which are not relevant for this amendment.

(ef) 1999 c.33

(g) S.I. 2013/1460.

(eh) Relevant amendments to section 94(1) have been made by section 44 of the Nationality, Immigration and Asylum Act 2002 (c.41) but those provisions are not in force. Other amendments have been made but they are not relevant to these Regulations.

(fi) S.I. 2006/1003; relevant amending instruments are S.I. 2011/544, 2012/1547, 2012/2560.

(j) Cmd. 9512

Class of person excluded from this scheme: capital limit

23. (1) The class of person described in this paragraph consists of any person whose capital exceeds £16,000**(a)**.

(2) Capital for the purposes of sub-paragraph (1) is to be calculated in accordance with Part 10 of this scheme.

Class of person excluded from this scheme: students

24. The class of person described in this paragraph consists of any student to whom paragraph 75(1) applies (except to the extent that a student may be entitled to an alternative maximum council tax reduction by virtue of paragraph 18).

PART 6

Applicable amounts

Applicable amounts: pensioners

25. (1) The applicable amount for a pensioner**(b)** for a week is the aggregate of such of the following amounts as apply in his case—
- (a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 2 (personal allowance);
 - (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 2 of that Schedule (child or young person amounts);
 - (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of that Schedule (family premium);
 - (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums).

(2) In Schedule 3—

“additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage; by the party to the marriage who is additional to the party to the marriage;

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005**(c)**.

Applicable amounts: persons who are not pensioners

26. (1) Subject to paragraphs 27 and 28, the applicable amount for a week for a person who is not a pensioner is the aggregate of such of the following amounts as may apply in his case—
- (a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 of Schedule 3;
 - (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 3 of that Schedule;
 - (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part 2 of that Schedule (family premium);

(a) See Part 10, Chapters 1 and 7, of this scheme in relation to the capital of an applicant and the calculation of tariff income from capital.
(b) Including pensioners in polygamous marriages, by virtue of paragraph 5 of the scheme.
(c) S.I. 2005/3360

- (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums);
- (e) the amount of either the—
 - (i) work-related activity component; or
 - (ii) support component,

which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components**(a)**);

- (f) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

(2) The authority may at any time while this Scheme is in force prescribe alternative sums in substitution for the Applicable Amounts specified in Schedule 3 to this Scheme, having had regard to any uprating of welfare benefits pursuant to the Welfare Benefits Up-rating Act 2013 or any order made under it or any legislation amending it, replacing it or re-enacting it, and the provisions of Part 6 of this Scheme shall be construed accordingly. The right to prescribe the amounts of applicable amounts conferred by sub-paragraph (1) includes the right by the authority to set the amounts annually in accordance with the Default Scheme, annual uprating of applicable amounts, to take effect at the beginning of each financial year

(3) In Schedule 3—

“additional spouse” means a spouse by the party to the marriage who is additional to the party to the marriage;

“converted employment and support allowance” means an employment and support allowance which is not income-related and to which a person is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations 2008**(b)**;

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005**(c)**.

Polygamous marriages: persons who are not pensioners

27. (1) This paragraph applies where an applicant who is not a pensioner is a member of a polygamous marriage and does not have (alone or jointly with a party to a marriage), an award of universal credit.

(2) The applicable amount for a week of an applicant where this paragraph applies is the aggregate of such of the following amounts as may apply in his case—

- (a) the amount applicable to him and one of his partners determined in

accordance with paragraph 1(3) of Schedule 3 as if he and that partner were a couple;

-
- (a) The amount of the components is set out in Part 6 of that Schedule.
 - (b) S.I. 2008/794.
 - (c) S.I. 2005/3360.

- (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3) and (1)(b) of paragraph 1 of that Schedule in respect of each of his other partners;
- (c) an amount determined in accordance with paragraph 2 of that Schedule (main phase employment and support allowance) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
- (d) if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part 2 of that Schedule (family premium);
- (e) the amount of any premiums which may be applicable to him determined in accordance with Parts 3 and 4 of that Schedule (premiums);
- (f) the amount of either the—
 - (i) work-related activity component; or
 - (ii) support component,
 which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components);
- (g) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

Applicable amount: persons who are not pensioners who have an award of universal credit

28. (1) Subject to sub-paragraph (2), in determining the applicable amount for a week of an applicant who is not a pensioner—

- (a) who has, or
- (b) who (jointly with his partner) has,

an award of universal credit, the authority must use the calculation or estimate of the maximum amount of the applicant, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (3).

(2) In determining the applicable amount for a week of an applicant who is a member of a polygamous marriage, the fact that two people are husband and wife is to be disregarded if—

- (a) one of them is a party to an earlier marriage that still subsists; and
- (b) the other party to that earlier marriage is living in the same household.

(3) The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.

(4) In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the

Welfare Reform Act 2012^(a).

(a) 2012 c.5.

PART 7

Maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

Maximum council tax reduction amount under this scheme: pensioners

- 29.** (1) Subject to sub-paragraphs (2) to (4), a person's maximum council tax reduction amount in respect of a day is 100 per cent of the amount A/B where—
- (a) A is the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
 - (b) B is the number of days in that financial year, less any deductions in respect of non-dependants which fall to be made under paragraph 30 (non-dependant deductions: pensioners).
- (2) In calculating a person's maximum council tax reduction under this scheme any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act (other than a reduction under this scheme), is to be taken into account.
- (3) Subject to sub-paragraph (4), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the maximum council tax reduction in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.
- (4) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (3) does not apply in his case.
- (5) The reference in sub-paragraph (3) to a person with whom an applicant is jointly and severally liable for council tax, where the applicant is a person who is not a pensioner, does not include a student to whom paragraph 75(1) (entitlement of students to a reduction under this scheme) applies.
- (6) In this paragraph "relevant financial year" means, in relation to any particular day, the financial year within which the day in question falls.

Maximum council tax reduction amount under this scheme: persons who are not pensioners

- 29A** (1) Subject to paragraphs (2) to (4), the amount of a person's maximum council tax reduction in respect of a day is 75% per cent of the amount A/B where –

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

less any deductions in respect of non-dependants which fall to be made under paragraph 30A (non- dependant deductions – persons who are not pensioners).

(2) Where an applicant falls within paragraphs 18, or 18A, or 18B (Classes F, or G, or H: persons who are not pensioners and who are in receipt of a war pension, war disablement pension, war widows pension, war widower's pension), the amount of a person's maximum council tax reduction in respect of a day is 100% per cent of the amount A/B.

(3) In calculating a person's maximum council tax reduction under this scheme any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act (other than a reduction under this scheme), is to be taken into account.

(4) Subject to paragraph (5), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the maximum council tax reduction in his case in accordance with paragraph (1) or (2), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

(5) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph (4) does not apply in his case.

(6) The reference in paragraph (4) to a person with whom an applicant is jointly and severally liable for council tax does not include a student to whom paragraph 75(1) applies.

(7) In this article "relevant financial year" means, in relation to any particular day, the financial year within which the day in question falls

Non-dependant deductions: pensioners

30 (1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 29 are—

- (a) in respect of a non-dependant aged 18 or over in remunerative work, ~~£11,259.90~~ x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, ~~£3,703.00~~ x 1/7.

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority

that his normal gross weekly income is—

- (a) less than £18~~83~~.00, the deduction to be made under this paragraph is that specified in sub- paragraph (1)(b);
- (b) not less than £18~~38~~.00 but less than £3~~2646~~.00, the deduction to be made under this paragraph is $£7.456.55 \times 1/7$;
- (c) not less than £3~~2646~~.00 but less than £4~~06394~~.00, the deduction to be made under this paragraph is $£8.259.40 \times 1/7$.

(3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage (other than where there is an award of universal credit) and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount is to be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day—

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
- (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and
- (c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

(6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—

- (a) blind or treated as blind by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or
- (b) receiving in respect of himself—
 - (i) attendance allowance, or would be receiving that allowance but for—
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (i) the care component of the disability living allowance, or would be receiving that component but for—

- (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
- (bb) an abatement as a result of hospitalisation; or

- (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients); or
- (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

(7) No deduction is to be made in respect of a non-dependant if—

- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
- (b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) he is a full-time student within the meaning of Part 11 (students); or
- (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes—
 - (i) “patient” has the meaning given in paragraph 19(6), and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

(e) he is not residing with the applicant because he is a member of the regular or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006 (a)) who is absent, while on operations, from the dwelling usually occupied as their home.

(8) No deduction is to be made in respect of a non-dependant—

- (a) who is on income support, state pension credit, an income-based jobseeker’s allowance or an income-related employment and support allowance; or
- (b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.

(a) 2006 c.52..

(9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependant's weekly gross income—

- (a) any attendance allowance, disability living allowance, personal independence payment or an AFIP received by him;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
- (c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

Non-dependant deductions – persons who are not pensioners

30(A)(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 29(A) are—

- (a) in respect of a non-dependant aged 18 or over in remunerative work, ~~£9.90~~11.25 x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, ~~£3.30~~3.70 x 1/7.

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—

- (a) less than ~~£183.00~~188.00, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);
- (b) not less than ~~£183.00~~188.00 but less than ~~£316.00~~326.00, the deduction to be made under this paragraph is ~~£6.55~~7.45 x 1/7;
- (c) not less than ~~£316.00~~326.00 but less than ~~£394.00~~406.00, the deduction to be made under this paragraph is ~~£8.25~~9.40 x 1/7.

(3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage (other than where there is an award of universal credit) and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount is to be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day—

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
- (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and
- (c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

(6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—

- (a) blind or treated as blind by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or
- (b) receiving in respect of himself—
 - (i) attendance allowance, or would be receiving that allowance but for—
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for—
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients); or
 - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

(7) No deduction is to be made in respect of a non-dependant if—

- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
- (b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or

- (c) he is a full-time student within the meaning of Part 11 (students); or
- (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes—
 - (i) “patient” has the meaning given in paragraph 19(6), and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

(8) For classes of persons G and H no deduction is to be made in respect of a non-dependant—

- (a) who is on income support, state pension credit, an income-based jobseeker’s allowance or an income-related employment and support allowance

8(A) No deduction is to be made in respect of a non-dependant –

- (a) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.

(9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependant’s weekly gross income—

- (a) any attendance allowance, disability living allowance, personal independence payment or an AFIP received by him;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
- (c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

30A(10) —There shall be substituted for the fixed monetary sums specified in paragraph 30A(1) of this Scheme (non-dependant deductions in respect of a day referred to in paragraph 29(A)) the fixed monetary sums specified in Paragraph 8(1) of Part 3 of Schedule 1 to the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 or any legislation amending them, replacing them or re-enacting them. For the avoidance of doubt, this does not have the effect of causing any other provision in Part 3 of Schedule 1 to the Regulations to apply to paragraph 30A(1) of this Scheme.

30A(11) There shall be substituted for the fixed monetary sums specified in paragraph 30A(2) of this Scheme (non-dependant deductions – gross weekly income) the fixed monetary sums specified in Paragraph 8(2) of Part 3 of Schedule 1 to the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 or any legislation amending them, replacing them or re-enacting them. For the avoidance of doubt, this does not have the effect of causing any other provision in Part 3 of Schedule 1 to the Regulations to apply to paragraph 30A(2) of this Scheme.

PART 8

Alternative maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

Alternative maximum council tax reduction under this scheme: pensioners and persons who are not pensioners

31. (1) Subject to sub-paragraphs (2) and (3) and (4), the alternative maximum council tax reduction in respect of a day where the conditions set out in paragraph 15 (alternative maximum council tax reduction: pensioners) or 18 (alternative maximum council tax reduction: persons who are not pensioners and who are in receipt of a war pension, war disablement pension, war widows pension, war widower's pension) are fulfilled, is the amount determined in accordance with Schedule 4 (amount of alternative council tax reduction).

(2) Subject to sub-paragraph (3), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the alternative maximum council tax reduction in his case, the amount determined in accordance with Schedule 4 must be divided by the number of persons who are jointly and severally liable for that tax.

(3) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, solely by virtue of section 9 of the 1992 Act (liability of spouses and civil partners), sub-paragraph (2) does not apply in his case.

~~31.~~ (4) There shall be substituted for the fixed monetary sums specified in Column 1 (Second Adult) of the table in paragraph 1 of Schedule 4 to this Scheme the fixed monetary sums specified in Column 1 (Second Adult) of the table in Paragraph 1 of Schedule 3 to the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 or any legislation amending them, replacing them or re-enacting them.

PART 9

Amount of reduction under this scheme

Amount of reduction under this scheme: Classes A to H

32. (1) Where a person is entitled to a reduction under this scheme in respect of a day, the amount of the reduction to which he is entitled is as follows.

(2) Where the person is within class A, D or G**(a)**, that amount is the amount which is the maximum council tax reduction in respect of the day in the applicant's case.

(3) Where the person is within class B, E or H**(b)**, that amount is the amount found by deducting amount B from amount A, where "amount A" and "amount B" have the meanings given in paragraph 14(f) or 17(f) or 18(B)(f), as the case may be.

(4) Where the person is within class C or F**(c)**, that amount is the amount which is the alternative maximum council tax reduction in respect of the day in the applicant's case.

(5) Sub-paragraph (6) applies where both—

- (a) sub-paragraph (2) or sub-paragraph (3), and
- (b) sub-paragraph (4), apply to a person.

(6) The amount of the reduction to which the person is entitled is whichever is the greater of—

- (a) the amount of the reduction given by sub-paragraph (2) or sub-paragraph (3), as the case may be, and
- (b) the amount of the reduction given by sub-paragraph (4).

(a) As to which, see paragraphs 13 and 16 respectively.
(b) As to which, see paragraphs 14 and 17 respectively.
(c) As to which, see paragraphs 15 and 18 respectively

PART 10

Income and capital for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

CHAPTER 1

Income and capital: general

Calculation of income and capital: applicant's family and polygamous marriages

33. (1) The income and capital of—

- (a) an applicant; and
- (b) any partner of that applicant,

is to be calculated in accordance with the provisions of this Part.

(2) The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.

(3) Except where paragraph 37 applies, where an applicant or the partner of an applicant is married polygamously to two or more members of his household—

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

Circumstances in which income and capital of non-dependant is to be treated as applicant's

34. (1) Sub-paragraph (2) applies where it appears to the authority that a non-dependant and an applicant have entered into arrangements in order to take advantage of this scheme and the non-dependant has more income and capital than the applicant.

(2) Except where—

- (a) the applicant is a pensioner and is on a guarantee credit, or
- (b) the applicant is not a pensioner and is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance,

the authority must treat the applicant as possessing income and capital belonging to that non-dependant and, in such a case, any income and capital which the applicant does possess is to be disregarded.

(3) Where an applicant is treated as possessing income and capital belonging to a non-dependant under sub-paragraph (2) the income and capital of that non-dependant must be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the “applicant” is to be construed for the purposes of this Part as if it were a reference to that non-dependant.

CHAPTER 2

Income and capital: pensioners in receipt of guarantee credit or savings credit

Applicant in receipt of guarantee credit: pensioners

- 35.** In the case of an applicant who is a pensioner and who is in receipt, or whose partner is in receipt, of a guarantee credit, the whole of his capital and income must be disregarded.

Calculation of applicant’s income and capital in savings credit only cases: pensioners

- 36.** (1) In determining the income and capital of an applicant who is a pensioner and who has, or whose partner has, an award of state pension credit comprising only the savings credit, subject to the following provisions of this paragraph, the authority must use the calculation or estimate of the applicant’s or as the case may be, the applicant’s partner’s income and capital made by the Secretary of State for the purpose of determining the award of state pension credit^(a).

(2) Where the calculation or estimate provided by the Secretary of State includes the amount taken into account in that determination in respect of net income, the authority may only adjust that amount so far as necessary to take into account—

- (a) the amount of any savings credit payable;
- (b) in respect of any dependent children of the applicant, child care charges taken into account under paragraph 57(1)(c) (calculation of income on a weekly basis);
- (c) the higher amount disregarded under this scheme in respect of—
 - (i) lone parent’s earnings; or
 - (ii) payments of maintenance, whether under a court order or not, which is made or due to be made by—
 - (aa) the applicant’s former partner, or the applicant’s partner’s former partner; or

(a) See paragraph 22A for the capital limit for eligibility of £16,000.

- (bb) the parent of a child or young person where that child or young person is a member of the applicant's family except where that parent is the applicant or the applicant's partner;
- (d) any amount to be disregarded by virtue of paragraph 10(1) of Schedule 5 (sums disregarded from applicant's earnings: pensioners);
- (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under paragraph 8, to the extent that it is not taken into account in determining the net income of the person claiming state pension credit;
- (f) paragraph 34 (circumstances in which capital and income of a non-dependant is to be treated as applicant's), if the authority determines that that provision applies in the applicant's case;
- (g) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act^(b) (power of billing authority to reduce amount of council tax payable);
- (h) any amount to be disregarded by virtue of paragraph 6 of Schedule 5 (exempt work).

(3) Paragraphs 39 to 46 (calculation of income: pensioners) and 57 to 61 (calculation of income: pensioners and persons who are not pensioners) do not apply to the amount of the net income to be taken into account under sub-paragraph (1), but do apply (so far as relevant) for the purpose of determining any adjustments to that amount which the authority makes under sub-paragraph (2).

(4) If sub-paragraph (5) applies, the authority must calculate the applicant's capital in accordance with paragraphs 63, 65 to 68 and 70 (calculation of capital: pensioners).

(5) This sub-paragraph applies if—

- (a) the Secretary of State notifies the authority that the applicant's capital has been determined as being £16,000 or less or the authority determines his capital as being £16,000 or less;
- (b) subsequent to that determination the applicant's capital rises to more than £16,000; and
- (c) the increase occurs whilst there is in force an assessed income period within the meaning of sections 6 and 9 of the State Pension Credit Act 2002.

(b) Section 13A is substituted by section 10 of the Local Government Finance Act 2012 (c.17).

CHAPTER 3

Income and capital where there is an award of universal credit

Calculation of income and capital: persons who are not pensioners who have an award of universal credit

37. (1) In determining the income of an applicant—

- (a) who has, or
- (b) who (jointly with his partner) has,

an award of universal credit the authority must, subject to the following provisions of this paragraph, use the calculation or estimate of the amount of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.

(2) The authority must adjust the amount of the income referred to in sub-paragraph (1) by multiplying the amount by 12 and dividing the product by 52.

(3) The authority may only adjust the amount of the income as adjusted in accordance with sub-paragraph (2) so far as necessary to take into account—

- (a) the amount of the award of universal credit, determined in accordance with sub-paragraph (3);
- (b) paragraph 34 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
- (c) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).

(4) The amount for the award of universal credit to be taken into account for the purposes of sub-paragraph (3)(a) is to be determined by multiplying the amount of the award of universal credit by 12 and dividing the product by 52.

(5) Paragraph 34 (income and capital of non-dependant to be treated as applicant's) applies for the purpose of determining any adjustments which fall to be made to the figure for income under sub-paragraph (3).

(6) In determining the capital of an applicant—

- (a) who has, or
- (b) who (jointly with his partner) has,

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

purpose of determining the award of universal credit.

CHAPTER 4

Income: other pensioners

Calculation of income and capital where state pension credit is not payable: pensioners

- 38.** Where neither paragraph 35 (applicant in receipt of guarantee credit: pensioners) nor 36 (applicant in receipt of savings credit only: pensioners) applies in the applicant's case, his income and capital is to be calculated or estimated in accordance with paragraphs 39 to 46 and 57 to 62 (calculation of income) and Chapter 7 of this Part (calculation of capital).

Meaning of "income": pensioners

- 39.** (1) For the purposes of classes A to C in this scheme, "income" means income of any of the following descriptions—
- (a) earnings;
 - (b) working tax credit;
 - (c) retirement pension income within the meaning of the State Pension Credit Act 2002;
 - (d) income from annuity contracts (other than retirement pension income);
 - (e) a war disablement pension or war widow's or widower's pension;
 - (f) a foreign war disablement pension or war widow's or widower's pension;
 - (g) a guaranteed income payment;
 - (h) a payment made under article 29(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011^(a), in any case where article 31(2)(c) applies;
 - (i) income from capital^(b) other than capital disregarded under Part 1 of Schedule 9;
 - (j) social security benefits, other than retirement pension income or any of the following benefits—
 - (i) disability living allowance;
 - (ii) personal independence payment;
 - (iii) an AFIP;
 - (iv) attendance allowance payable under section 64 of the SSCBA (entitlement to attendance allowance);
 - (v) an increase of disablement pension under section 104 (increase for constant attendance) or 105 of that Act (increase for exceptionally severe disablement);
 - (vi) child benefit;

(a) S.I. 2011/517.

(b) See paragraph 71 for the calculation of income from capital so far as relating to pensioners

- (vii) any guardian's allowance payable under section 77 of the SSCBA (guardian's allowance);
- (viii) any increase for a dependant, other than the applicant's partner, payable in accordance with Part 4 of that Act (increases for dependants);
- (ix) any—
 - (aa) social fund payment made under Part 8 of the SSCBA (the social fund), or
 - (bb) occasional assistance;
- (x) Christmas bonus payable under Part 10 of that Act (Christmas bonus for pensioners);
- (xi) housing benefit;
- (xii) council tax benefit;
- (xiii) bereavement payment;
- (xiv) statutory sick pay;
- (xv) statutory maternity pay;
- (xv) ordinary statutory paternity pay payable under Part 12ZA of the SSCBA(c);
- (xvi) additional statutory paternity pay payable under Part 12ZA of the SSCBA;
- (xviii) statutory adoption pay payable under Part 12ZB of that Act (statutory adoption pay);
- (xix) any benefit similar to those mentioned in the preceding provisions of this paragraph payable under legislation having effect in Northern Ireland;
- (k) all foreign social security benefits which are similar to the social security benefits mentioned above;

(c) Part 12ZA was inserted by section 2 and Part 12ZB was inserted by section 4 of the Employment Act 2002 (c.22).

- (l) a payment made—
 - (i) under article 30 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006**(a)** (award for children who have reached the child's age limit), in any case where article 30(1)(b) applies; or
 - (ii) under article 12(8) of that Order (unemployability allowances: children who have reached the child's age limit), in any case where sub-paragraph (b) of that article applies;
- (m) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
- (n) payments under a scheme made under the Pneumoconiosis etc. (Worker's Compensation) Act 1979**(b)**;
- (o) payments made towards the maintenance of the applicant by his spouse, civil partner, former spouse or former civil partner or towards the maintenance of the applicant's partner by his spouse, civil partner, former spouse or former civil partner, including payments made—
 - (i) under a court order;
 - (ii) under an agreement for maintenance; or
 - (iii) voluntarily;
- (p) payments due from any person in respect of board and lodging accommodation provided by the applicant;
- (q) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;
- (r) any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982;
- (s) any payment, other than a payment ordered by a court or made in settlement of a claim, made by or on behalf of a former employer of a person on account of the early retirement of that person on grounds of ill-health or disability;
- (t) any sum payable by way of pension out of money provided under—
 - (i) the Civil List Act 1837**(c)**,
 - (ii) the Civil List Act 1937**(d)**,
 - (iii) the Civil List Act 1952**(e)**,
 - (iv) the Civil List Act 1972**(f)**, or
 - (v) the Civil List Act 1975**(g)**;
- (u) any income in lieu of that specified in paragraphs (a) to (r);

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- (a) S.I. 2006/606
 - (b) 1979 c.41.
 - (c) 1837 c.2.
 - (d) 1937 c.32.
 - (e) 1952 c.37.
 - (f) 1972 c.7.
 - (g) 1975 c.82.

- (v) any payment of rent made to an applicant who—
 - (i) owns the freehold or leasehold interest in any property or is a tenant of any property;
 - (ii) occupies part of the property; and
 - (iii) has an agreement with another person allowing that person to occupy that property on payment of rent;
- (w) any payment made at regular intervals under an equity release scheme;
- (x) PPF periodic payments within the meaning of section 17(1) of the State Pension Credit Act 2002.

(2) Where the payment of any social security benefit referred to in sub-paragraph (1) is subject to any deduction (other than an adjustment specified in sub-paragraph (4)) the amount to be taken into account under sub-paragraph (1) is to be the amount before the deduction is made.

(3) Where an award of any working tax credit or child tax credit is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

(4) The adjustments specified in this sub-paragraph are those made in accordance with—

- (a) the Social Security (Overlapping Benefits) Regulations 1979^(a);
- (b) the Social Security (Hospital In-Patients) Regulations 1975;
- (c) section 30DD or section 30E of the SSCBA^(b) (reductions in incapacity benefit in respect of pensions and councillor's allowances);
- (d) section 3 of the Welfare Reform Act 2007 (deductions from contributory employment and support allowance in respect of pensions and councillor's allowances) and regulations made under it.

(5) In sub-paragraph (1)(w), "equity release scheme" means a loan—

- (a) made between a person ("the lender") and the applicant;
- (b) by means of which a sum of money is advanced by the lender to the applicant by way of payments at regular intervals; and
- (c) which is secured on a dwelling in which the applicant owns an estate or interest and which he occupies as his home.

(a) S.I.1979/597.

(b) Section 30DD was inserted by the Welfare Reform and Pensions Act 1999 (c.30), section 63; section 30E was inserted by the Social Security (Incapacity for Work) Act 1994 (c.18), section 3. Both sections are repealed by the Welfare Reform Act 2007 (c.5), Schedule 8 (not yet in force).

Calculation of weekly income: pensioners

40. (1) Except in a case within sub-paragraph (2) or (4), for the purposes of calculating the weekly income of an applicant who is a pensioner, where the period in respect of which a payment is made—

- (a) does not exceed a week, the whole of that payment is to be included in the applicant's weekly income;
- (b) exceeds a week, the amount to be included in the applicant's weekly income is to be determined—
 - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - (ii) in a case where that period is three months, by multiplying the amount of the payment by 4 and dividing the product by 52;
 - (iii) in a case where that period is a year, by dividing the amount of the payment by 52;
 - (iv) in any other case, by multiplying the amount of the payment by 7 and dividing the product by the number of days in the period in respect of which it is made.

(2) Sub-paragraph (3) applies where—

- (a) the applicant's regular pattern of work is such that he does not work the same hours every week; or
- (b) the amount of the applicant's income fluctuates and has changed more than once.

(3) The weekly amount of that applicant's income is to be determined—

- (a) if, in a case to which sub-paragraph (2)(a) applies, there is a recognised cycle of work, by reference to his average weekly income over the period of the complete cycle (including, where the cycle involves periods in which the applicant does no work, those periods but disregarding any other absences); or
- (b) in any other case, on the basis of—
 - (i) the last two payments if those payments are one month or more apart;
 - (ii) the last four payments if the last two payments are less than one month apart; or
 - (iii) calculating or estimating such other payments as may, in the particular circumstances of the case, enable the applicant's average weekly income to be determined more accurately.

(4) For the purposes of sub-paragraph (3)(b) the last payments are the last payments before the date the application was made or treated as made.

(5) If the applicant is entitled to receive a payment to which sub-paragraph (6) applies, the amount of that payment is to be treated as if made in respect of a period of a year.

(6) This sub-paragraph applies to—

- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;
- (b) any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982;
or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982;
and
- (c) any payment which is made on an occasional basis.

(7) The period under which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.

(8) Where payments are made in a currency other than Sterling, the value of the payment is to be determined by taking the Sterling equivalent on the date the payment is made.

(9) The sums specified in Schedule 5 are to be disregarded in calculating—

- (a) the applicant's earnings; and
- (b) any amount to which sub-paragraph (6) applies where the applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book or work referred to in sub-paragraph (6)(b).

(10) For the purposes of sub-paragraph (9)(b), and for that purpose only, the amounts specified in sub-paragraph (6) is to be treated as though they were earnings.

(11) Income specified in Schedule 6 is to be disregarded in the calculation of the applicant's income.

(12) Schedule 9 (capital disregards: pensioners) has effect so that—

- (a) the capital specified in Part 1 is disregarded for the purpose of determining an applicant's income; and
- (b) the capital specified in Part 2 is disregarded for the purpose of determining an applicant's income under paragraph 71 (calculation of tariff income from capital: pensioners).

(13) In the case of any income taken into account for the purpose of calculating a person's income any amount payable by way of tax is disregarded.

Earnings of employed earners: pensioners

41. (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner who is a pensioner, means any remuneration or profit derived from that employment and includes—
- (a) any bonus or commission;
 - (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
 - (c) any payment in lieu of notice;
 - (d) any holiday pay;
 - (e) any payment by way of a retainer;
 - (f) any payment made by the applicant’s employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant’s employer in respect of—
 - (i) travelling expenses incurred by the applicant between his home and place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant’s absence from home;
 - (g) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person’s earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001^(a);
 - (h) statutory sick pay and statutory maternity pay payable by the employer under the SSCBA;
 - (i) statutory paternity pay payable under Part 12ZA of that Act;
 - (j) statutory adoption pay payable under Part 12ZB of that Act;
 - (k) any sums payable under a contract of service—
 - (i) for incapacity for work due to sickness or injury; or
 - (ii) by reason of pregnancy or confinement.

(2) Earnings does not include—

- (a) subject to sub-paragraph (3), any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
- (c) any occupational pension;
- (d) any lump sum payment made under the Iron and Steel Re-adaptation Benefits Scheme;
- (e) any payment of compensation made pursuant to an award by an employment tribunal established under the Employment Tribunals Act 1996^(b) in respect of unfair dismissal or unlawful discrimination;

(a) S.I. 2001/1004.
(b) 1996 c.17.

- (f) any payment in respect of expenses arising out of the applicant's participation in a service user group.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(g).

Calculation of net earnings of employed earners: pensioners

42. (1) For the purposes of paragraph 57 (calculation of income on a weekly basis), the earnings of an applicant who is a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to paragraph 40(5) and Schedule 5 (sums to be disregarded from earnings: pensioners), be his net earnings.

(2) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (5) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

- (a) any amount deducted from those earnings by way of—
 - (i) income tax;
 - (ii) primary Class 1 contributions under the SSCBA;
- (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- (c) one-half of the amount calculated in accordance with sub-paragraph (4) in respect of any qualifying contribution payable by the applicant; and
- (d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.

(3) In this paragraph “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.

(4) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined—

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

(5) Where the earnings of an applicant are determined under paragraph 40(2)(b) (calculation of weekly income: pensioners) his net earnings is to be calculated by taking into account those earnings over the assessment period, less—

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 the Income Tax Act 2007^(a) (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

Calculation of earnings of self-employed earners: pensioners

43. (1) Where the earnings of an applicant who is a pensioner consist of earnings from employment as a self-employed earner, the weekly amount of his earnings is to be determined by reference to his average weekly earnings from that employment—

- (a) over a period of one year; or
- (b) where the applicant has recently become engaged in that employment or there has been a change which is likely to affect the normal pattern of business, over such other period (“computation period”) as may, in the particular case, enable the weekly amount of his earnings to be determined more accurately.

(2) For the purposes of determining the weekly amount of earnings of an applicant to whom sub-paragraph (1)(b) applies, his earnings over the computation period are to be divided by the number equal to the number of days in that period and the product multiplied by 7.

(3) The period over which the weekly amount of an applicant’s earnings is calculated in accordance with this paragraph is to be his assessment period.

(a) 2007 c.3; the heading and subsection (1) of section 35 were amended by section 4 of the Finance Act 2012 (c.14) (“2012 Act”); subsections (2) and (4) were inserted by section 4 of the Finance Act 2009 (c.10). In section 36, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009. In section 37, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009.

Earnings of self-employers earners: pensioners

44. (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner who is a pensioner, means the gross income of the employment.

(2) “Earnings” in the case of employment as a self-employed earner does not include—

- (a) where an applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation for which payment is made, those payments;
- (b) any payment made by a local authority to an applicant—
 - (i) with whom a person is accommodated by virtue of arrangements made under section 22C or 23(2)(a) of the Children Act 1989(a) or, as the case may be, section 26(1) of the Children (Scotland) Act 1995(b); or
 - (ii) with whom a local authority fosters a child under the Looked After Children (Scotland) Regulations 2009(c) or who is a kinship carer under those Regulations;
- (c) any payment made by a voluntary organisation in accordance with section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations);
- (d) any payment made to the applicant or his partner for a person (“the person concerned”) who is not normally a member of the applicant’s household but is temporarily in his care, by—
 - (i) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (ii) a voluntary organisation;
 - (iii) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948(d);
 - (iv) the National Health Service Commissioning Board or a clinical commissioning group established under section 14D of the National Health Service Act 2006(e); or
 - (v) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006(f);
- (e) any sports award.

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- a) 1989 c.41; section 23 was substituted by sections 22A to 22F by section 8(1) of the Children and Young Persons Act 2008 (c.23). Section 22C is in force in England but is not yet in force in Wales.
 - b) 1995 c.36; section 26 was amended by paragraph 1 of Schedule 3 to the Adoption and Children (Scotland) Act 2007 (asp 4).
 - c) S.I. 2009/210.
 - d) 1948 c.29; section 26(3A) was inserted by section 42(4) of the National Health Service and Community Care Act 1990 (c.19).
 - e) 2006 c.41. The Commissioning Board is established under section 1H of that Act (inserted by section 9 of the Health and Social Care Act 2012 (c.7)); section 14D was inserted by section 25 of the 2012 Act.
 - f) 2006 c.42.

Notional income: pensioners

- 45.** (1) An applicant who is a pensioner is to be treated as possessing—
- (a) subject to sub-paragraph (2), the amount of any retirement pension income—
 - (i) for which no claim has been made; and
 - (ii) to which he might expect to be entitled if a claim for it were made;
 - (b) income from an occupational pension scheme which the applicant elected to defer.
- (2) Sub-paragraph (1)(a) does not apply to the following where entitlement has been deferred—
- (a) a Category A or Category B retirement pension payable under sections 43 to 55 of the SSCBA;
 - (b) a shared additional pension payable under section 55A of the SSCBA;
 - (c) graduated retirement benefit payable under sections 36 and 37 of the National Insurance Act 1965^(a).
- (3) For the purposes of sub-paragraph (2), entitlement has been deferred—
- (a) in the case of a Category A or Category B pension, in the circumstances specified in section 55(3) of the SSCBA;
 - (b) in the case of a shared additional pension, in the circumstances specified in section 55C(3) of the SSCBA; and
 - (c) in the case of graduated retirement benefit, in the circumstances specified in section 36(4) and (4A) of the National Insurance Act 1965.
- (4) This sub-paragraph applies where a person who has attained the qualifying age for state pension credit—
- (a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;
 - (b) fails to purchase an annuity with the funds available in that scheme; and
 - (c) either—
 - (i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder, or
 - (ii) fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid, or
 - (iii) income withdrawal is not available to him under that scheme.

(a) 1965 c.51.

(5) Where sub-paragraph (4) applies, the amount of any income foregone is to be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.

(6) The amount of any income foregone in a case where sub-paragraph (4)(c)(i) or (ii) applies is to be the maximum amount of income which may be withdrawn from the fund and must be determined by the authority, taking account of information provided by the pension fund holder.

(7) The amount of any income foregone in a case where sub-paragraph (4)(c)(iii) applies is to be the income that the applicant could have received without purchasing an annuity had the funds held under the relevant scheme been held under a personal pension scheme or occupational pension scheme where income withdrawal was available and is to be determined in the manner specified in sub-paragraph (6).

(8) In sub-paragraph (4), “money purchase benefits” has the same meaning as in the Pension Schemes Act 1993.

(9) Subject to sub-paragraphs (10) and (12), a person is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of the reduction.

(10) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension or benefit where a person, having made an election in favour of that increase of pension or benefit under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005^(a), changes that election in accordance with regulations made under Schedule 5 or 5A to that Act in favour of a lump sum.

(11) In sub-paragraph (10), “lump sum” means a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005.

(12) Sub-paragraph (9) does not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant’s participation in a service user group.

(13) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects to apply, to the date on which the altered rate is to take effect.

(a) S.I. 2005/454.

(14) In the case of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where the authority treats the applicant as possessing any benefit at the altered rate in accordance with sub-paragraph (13), the authority must—

- (a) determine the income and capital of that applicant in accordance with paragraph 36(1) (calculation of applicant's income in savings credit only cases: pensioners) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter; and
- (b) treat that applicant as possessing such income and capital at the altered rate by reference to the date selected by the relevant authority to apply in its area, for the purposes of establishing the period referred to in sub-paragraph (13).

(15) For the purposes of sub-paragraph (9), a person is not to be regarded as depriving himself of income where—

- (a) his rights to benefits under a registered pension scheme are extinguished and in consequence of this he receives a payment from the scheme, and
- (b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004^(b).

(16) In sub-paragraph (15), “registered pension scheme” has the meaning given in section 150(2) of the Finance Act 2004.

Income paid to third parties: pensioners

- 46.** (1) Any payment of income, other than a payment specified in sub-paragraph (2) or (3), to a third party in respect of an applicant who is a pensioner is to be treated as possessed by the applicant.

(2) Sub-paragraph (1) does not apply in respect of a payment of income made under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—

(b) 2004 c.12.

- (a) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980**(a)**;
 - (b) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (c) the person referred to in paragraph (a) and his partner does not possess, or is not treated as possessing, any other income apart from that payment.
- (3) Sub-paragraph (1) does not apply in respect of any payment of income other than earnings, or earnings derived from employment as an employed earner, arising out of the applicant's participation in a service user group.

CHAPTER 5

Income: persons who are not pensioners

Average weekly earnings of employed earners: persons who are not pensioners

- 47.** (1) Where the income of an applicant who is not a pensioner consists of earnings from employment as an employed earner his average weekly earnings must be estimated by reference to his earnings from that employment—
- (a) over a period immediately preceding the reduction week in which the application is made or treated as made and being a period of—
 - (i) 5 weeks, if he is paid weekly; or
 - (ii) 2 months, if he is paid monthly; or
 - (b) whether or not paragraph (a)(i) or (ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the application is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.
- (2) Where the applicant has been in his employment for less than the period specified in sub- paragraph (1)(a)(i) or (ii)—
- (a) if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings must be estimated by reference to those earnings;
 - (b) in any other case, the authority must estimate the applicant's average weekly earnings**(b)**.

(a) 1980 c.46.

(b) Powers in section 14A of the LGFA 1992 may be used to confer power to require employers to provide information for these purposes.

(3) Where the amount of an applicant's earnings changes the authority must estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period must not in any case exceed 52 weeks.

(4) For the purposes of this paragraph the applicant's earnings are to be calculated in accordance with paragraphs 51 and 52 (earnings of employed earners: persons who are not pensioners).

Average weekly earnings of self-employed earners: persons who are not pensioners

48. (1) Where the income of an applicant who is not a pensioner consists of earnings from employment as a self-employed earner his average weekly earnings must be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period must not in any case exceed a year.

(2) For the purposes of this paragraph the applicant's earnings must be calculated in accordance with paragraphs 53, 61 and 62 (earnings, and net profit, of self-employed earners).

Average weekly income other than earnings: persons who are not pensioners

49. (1) The income of an applicant who is not a pensioner which does not consist of earnings must, except where sub-paragraph (2) applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period must not in any case exceed 52 weeks; and nothing in this paragraph authorises an authority to disregard any such income other than that specified in Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners).

(2) The period over which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.

(3) For the purposes of this paragraph income other than earnings is to be calculated in accordance with paragraph 54 (calculation of income other than earnings: persons who are not pensioners).

Calculation of weekly income of employed earners: persons who are not pensioners

50. (1) For the purposes of paragraphs 47 (average weekly earnings of employed earners), 49 (average weekly income other than earnings) and 59 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made—

(a) does not exceed a week, the weekly amount is to be the

amount of that payment; (b) exceeds a week, the weekly amount is to be determined—

- (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
- (ii) in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the product by 7.

(2) For the purposes of paragraph 48 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant is to be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

Earnings of employed earners: persons who are not pensioners

51. (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner of a person who is not a pensioner, means any remuneration or profit derived from that employment and includes—
- (a) any bonus or commission;
 - (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
 - (c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
 - (d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
 - (e) any payment by way of a retainer;
 - (f) any payment made by the applicant’s employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant’s employer in respect of—
 - (i) travelling expenses incurred by the applicant between his home and place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant’s absence from home;
 - (g) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
 - (h) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
 - (i) any such sum as is referred to in section 112 of the SSCBA (certain sums to be earnings for social security purposes);
 - (j) any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under

- any enactment having effect in Northern Ireland;
- (k) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- (l) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.

(2) Earnings does not include—

- (a) subject to sub-paragraph (3), any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
- (c) any occupational pension;
- (d) any payment in respect of expenses arising out of the applicant's participation in a service user group.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(l).

Calculation of net earnings of employed earners: persons who are not pensioners

52. (1) For the purposes of paragraph 47 (average weekly earnings of employed earners: persons who are not pensioners), the earnings of an applicant who is not a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to sub-paragraph (2), be his net earnings.

(2) There is to be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).

(3) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (6) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

- (a) any amount deducted from those earnings by way of—
- (b)
 - (i) income tax;
 - (ii) primary Class 1 contributions under the SSCBA;
- (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- (c) one-half of the amount calculated in accordance with sub-paragraph (5) in respect of any qualifying contribution payable by the applicant; and
- (d) where those earnings include a payment which is payable under

any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.

(4) In this paragraph “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.

(5) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined—

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

(6) Where the earnings of an applicant are estimated under paragraph 47(2)(b) (average weekly earnings of employed earners: classes D to F), his net earnings is to be calculated by taking into account those earnings over the assessment period, less—

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007^(a) (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

(a) 2007 c.3; the heading and subsection (1) of section 35 were amended by section 4 of the Finance Act 2012 (c.14) (“2012 Act”); subsections (2) and (4) were inserted by section 4 of the Finance Act 2009 (c.10). In section 36, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009. In section 37, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009

Earnings of self-employed earners: persons who are not pensioners

- 53.** (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner of a person who is not a pensioner, means the gross income of the employment.

(2) “Earnings” does not include any payment to which paragraph 31 or 32 of Schedule 8 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant’s care) nor does it include any sports award.

(3) This paragraph applies to—

- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- (b) any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982,

where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.

(4) Where the applicant’s earnings consist of any items to which sub-paragraph (3) applies, those earnings must be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by—

- (a) the amount of reduction under this scheme to which the applicant would have been entitled had the payment not been made, plus
- (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) as appropriate in the applicant’s case.

Calculation of income other than earnings: persons who are not pensioners

- 54.** (1) For the purposes of paragraph 49 (average weekly income other than earnings: persons who are not pensioners), the income of an applicant who is not a pensioner which does not consist of earnings to be taken into account must, subject to sub-paragraphs (2) to (8), be his gross income and any capital treated as income under paragraph 55 (capital treated as income: persons who are not pensioners).

(2) There is to be disregarded from the calculation of an applicant’s

gross income under sub- paragraph (1), any sum, where applicable, specified in Schedule 8.

(3) Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under sub-paragraph (1) must be the gross amount payable.

(4) Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008(a), the amount of that benefit to be taken into account is the amount as if it had not been reduced.

(5) Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

(6) Sub-paragraphs (7) and (8) apply where—

- (a) a relevant payment has been made to a person in an academic year; and
- (b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

(7) Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula—

$$(A - (B \times C)) / D$$

where—

- (a) A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 81(5) (costs of travel, books and equipment);
- (b) B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;

(a) S.I. 2008/794.

- (c) C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 81(2) (treatment of student loans) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to a reduction under this scheme immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;
- (d) D = the number of reduction weeks in the assessment period.

(8) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula in sub-paragraph (8) but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 81(5).

(9) In this paragraph—

“academic year” and “student loan” have the same meanings as in Part 11 (students); “assessment period” means—

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

“quarter” in relation to an assessment period means a period in that year beginning on—

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

“relevant payment” means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 76(7) or both.

(10) For the avoidance of doubt there must be included as income to be taken into account under sub-paragraph (1)—

- (a) any payment to which paragraph 41(2) or 51(2) (payments not earnings) applies; or
- (b) in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

Capital treated as income: persons who are not pensioners

55. (1) Any capital payable by instalments which are outstanding at the date on which the application is made or treated as made, or, at the date of any subsequent revision or supersession, must, if the aggregate of the instalments outstanding and the amount of the applicant’s capital otherwise calculated in accordance with Chapter 7 of this Part exceeds £16,000, be treated as income.

(2) Any payment received under an annuity is to be treated as income.

(3) Any earnings to the extent that they are not a payment of income is to be treated as income.

(4) Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 is to be treated as income.

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

Notional income: persons who are not pensioners

56. (1) An applicant who is not a pensioner is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under a council tax reduction scheme or increasing the amount of the reduction.

(2) Except in the case of—

- (a) a discretionary trust;
- (b) a trust derived from a payment made in consequence of a personal injury;

- (c) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
- (d) any sum to which paragraph 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a);
- (e) any sum to which paragraph 51(a) of Schedule 10 refers;
- (f) rehabilitation allowance made under section 2 of the Employment and Training Act 1973;
- (g) child tax credit;
- (h) working tax credit, or
- (i) any sum to which sub-paragraph (11) applies,

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

(3) Any payment of income, other than a payment of income specified in sub-paragraph (4), made—

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

(4) Sub-paragraph (3) does not apply in respect of a payment of income made—

- (a) under or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);

- (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994**(a)** (concessionary coal);
- (c) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996**(b)**;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- (d) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
- (e) in respect of a person's participation in the Mandatory Work Activity Scheme;
- (f) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
- (g) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980**(c)**;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

(5) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects, to the date on which the altered rate is to take effect.

(6) Subject to sub-paragraph (7), where—

- (a) an applicant performs a service for another person; and
- (b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area,

(a) 1994 c.21.
 (b) S.I. 1996/207.
 (c) 1980 c.46

the authority must treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

(7) Sub-paragraph (6) does not apply—

(a) to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or

(b) in a case where the service is performed in connection with—

- (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations 1996, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations; or
- (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or

(c) to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

(8) In sub-paragraph (7)(c) "work placement" means practical work experience which is not undertaken in expectation of payment.

(9) Where an applicant is treated as possessing any income under any of sub-paragraphs (1) to (8), the foregoing provisions of this Part apply for the purposes of calculating the amount of that income as if a payment had actually been made and as if it were actual income which he does possess.

(10) Where an applicant is treated as possessing any earnings under sub-paragraph (6) the foregoing provisions of this Part apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph 42(2) or 52(3) (calculation of net earnings of employed earners: pensioners and persons who are not pensioners, respectively) do not apply and his net earnings are to be calculated by taking into account those earnings which he is treated as possessing, less—

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007(a) (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
 - (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
 - (c) one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.
- (11) Sub-paragraphs (1), (2), (3) and (6) do not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation in a service user group.

Up-rating of sums disregarded in the calculation of income

56A The authority may at any time while this Scheme is in force prescribe alternative sums in substitution for the fixed monetary sums specified in paragraphs 4, 5, 6, 7, 8, 9, 10, 11, 12(4), 18(1), and 18(3)(c) of Schedule 7 to this Scheme and paragraphs 20, 21, 26, 27, 49 and 58 of Schedule 8 to this Scheme, having regard to any up-rating of welfare benefits pursuant to the Welfare Benefits Up-rating Act 2013 or any order made under it or any legislation amending it, replacing it or re-enacting it, and the provisions of Chapter 5 of this Scheme shall be construed accordingly.

CHAPTER 6

Income: further provisions applying to pensioners and persons who are not pensioners

Calculation of income on a weekly basis

- 57.** (1) Subject to paragraph 60 (disregard of changes in tax, etc.), the income of an applicant is to be calculated on a weekly basis—
- (a) by estimating the amount which is likely to be his average weekly income in accordance with this Part;
 - (b) by adding to that amount the weekly income calculated—
 - (i) if the applicant is a pensioner, under paragraph 71 (tariff income: pensioners);
 - (ii) if the applicant is a person who is not a pensioner, under paragraph 72 (tariff income: persons who are not pensioners);
 and

-
- (a) 2007 c.3; the heading and subsection (1) of section 35 were amended by section 4 of the Finance Act 2012 (c.14) ("2012 Act"); subsections (2) and (4) were inserted by section 4 of the Finance Act 2009 (c.10). In section 36, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009. In section 37, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009.

- (c) deducting from the sum of paragraphs (a) and (b) any relevant child care charges to which paragraph 58 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in sub-paragraph (2) are met, from those earnings plus whichever credit specified in paragraph (b) of that sub-paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in sub-paragraph (3) applies in his case.

(2) The conditions of this paragraph are that—

- (a) the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in sub-paragraph (3) otherwise applies in his case; and
- (b) that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.

(3) The maximum deduction to which sub-paragraph (1)(c) above refers is to be—

- (a) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;
- (b) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300 per week.

Treatment of child care charges

58. (1) This paragraph applies where an applicant (within the meaning in this paragraph) is incurring relevant child care charges and—

- (a) is a lone parent and is engaged in remunerative work;
- (b) is a member of a couple both of whom are engaged in remunerative work; or
- (c) is a member of a couple where one member is engaged in remunerative work and the other—
 - (i) is incapacitated;
 - (ii) is an in-patient in hospital; or
 - (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).

(2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—

- (a) is paid statutory sick pay;
- (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the SSCBA;
- (c) is paid an employment and support allowance;

- (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987^(a); or

(a) S.I. 1987/1967.

- (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975^(a).

(3) This sub-paragraph applies to a person who was engaged in remunerative work immediately before—

- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
- (b) the first day of the period in respect of which earnings are credited, as the case may be.

(4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.

(5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply, and are to be calculated on a weekly basis in accordance with sub-paragraph (10). (6) The charges are paid by the applicant for care which is provided—

- (a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
- (b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.

(7) The charges are paid for care which is provided by one or more of the care providers listed in sub-paragraph (8) and are not paid—

- (a) in respect of the child's compulsory education;
- (b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with paragraph 7 (circumstances in which a person is treated as responsible or not responsible for another); or
- (c) in respect of care provided by a relative of the child wholly or mainly in the child's home.

(8) The care to which sub-paragraph (7) refers may be provided—

- (a) out of school hours, by a school on school premises or by a local authority—

(a) S.I. 1975/556.

- (i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
 - (ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
- (b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999**(b)**; or
- (c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010**(c)**; or
- (d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010**(d)**; or
- (e) by—

(b) S.I. 1999/3110.
(c) 2010 c.1.
(d) S.I. 2010/2574 (W.214).

- (i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010**(a)**; or
- (ii) local authorities registered under section 83(1) of that Act,

where the care provided is child minding or day care of children within the meaning of that Act; or

- (f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002; or
- (g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006**(b)**; or
- (h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
- (i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
- (j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of “childcare” for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
- (k) by a foster parent or kinship carer under the Fostering Services Regulations 2011**(c)**, the Fostering Services (Wales) Regulations 2003**(d)** or the Looked After Children (Scotland) Regulations 2009**(e)** in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
- (l) by a provider of personal care within the meaning of paragraph 1 of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010**(f)** and being a regulated activity prescribed by those Regulations; or
- (m) by a person who is not a relative of the child wholly or mainly in the child’s home.

(9) In sub-paragraphs (6) and (8)(a), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

(10) Relevant child care charges must be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.

(a) 2001 asp 8.
 (b) 2006 c.21.
 (c) S.I. 2011/581.
 (d) S.I. 2003/237.
 (e) S.I. 2009/210.
 (f) S.I. 2010/781; amended by S.I. 2012/1513.

- (11) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where—
- (a) the applicant is a pensioner and the other member of the couple is aged not less than 80;
 - (b) the applicant is a pensioner and the other member of the couple is aged less than 80, and—
 - (i) the additional condition specified in paragraph 10 of Schedule 3 (additional condition for the disability premium) to this scheme is treated as applying in his case; and
 - (ii) he satisfies that conditions or would satisfy it but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
 - (c) the applicant is not a pensioner, the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work;
 - (d) the applicant is not a pensioner, the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
 - (e) the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;
 - (f) he is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
 - (g) he is, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
 - (i) there is payable in respect of him one or more of the following pensions or allowances—
 - (ii) long-term incapacity benefit or short-term incapacity

- benefit at the higher rate under Schedule 4 to the SSCBA;
 - (iii) attendance allowance under section 64 of the SSCBA;
 - (iv) severe disablement allowance under section 68 of the SSCBA; (iv) disability living allowance under section 71 of the SSCBA;
 - (v) personal independence payment;
 - (vi) an AFIP;
 - (vii) increase of disablement pension under section 104 of the SSCBA;
 - (viii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v) or (vii) above;
 - (ix) main phase employment and support allowance;
- (i) a pension or allowance to which sub-paragraph (vii) or (viii) of paragraph (h) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
- (j) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for—
- (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
- (k) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (l) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- (m) paragraph (h), (i), (j) or (k) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or

- (n) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006^(a) or under section 46 of the National Health Service (Scotland) Act 1978^(b) or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972^(c).

(12) For the purposes of sub-paragraph (11), once sub-paragraph (11)(f) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph is, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter to apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

(13) For the purposes of sub-paragraph (11), once sub-paragraph (11)(g) applies to the person, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter to apply to him for so long as he has, or is treated as having, limited capability for work.

(14) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person—

- (a) to whom an attendance allowance or the care component of disability allowance is payable or would be payable but for—
 - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
- (b) to whom the daily living component of personal independence payment is payable or would be payable but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- (c) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(a) 2006 c.41; paragraph 9 has been amended by sections 17(10) of the Health and Social Care Act 2012 (c.7) (to replace references to the Secretary of State with references to clinical commissioning groups), but those provisions are not yet fully in force.

(b) 1978 c.29.

(c) S.I. 1972/1265 (N.I. 14)

(d) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

(15) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in sub-paragraph (4615) ("the relevant period") provided that—

- (a) in the week before the period of maternity leave, paternity leave or adoption leave began he was in remunerative work;
- (b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and
- (c) he is entitled to either statutory maternity pay under section 164 of the SSCBA(a), ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of that Act, statutory adoption pay by of section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.

(16) For the purposes of sub-paragraph (15) the relevant period begins on the day on which the person's maternity, paternity leave or adoption leave commences and ends on—

- (a) the date that leave ends;
- (b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
- (c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends,

whichever occurs first.

(17) In sub-paragraphs (15) and (16)—

- (a) "qualifying support" means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987(b); and
- (b) "child care element" of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).

(18) In this paragraph "applicant" does not include an applicant—

- (a) who has, or
- (b) who (jointly with his partner) has, an award of universal credit.

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- (a) 1992 c.4; section 164 was amended by paragraph 12 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) and section 20 of, and paragraph 6 of Schedule 7 and paragraph 1 of Schedule 8 to, the Employment Act 2002 (c.22).
 - (b) S.I. 1987/1967; Schedule 1B was inserted by S.I. 1996/206.

Calculation of average weekly income from tax credits

- 59.** (1) This paragraph applies where an applicant receives a tax credit.
- (2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in sub-paragraph (3).
- (3) Where the instalment in respect of which payment of a tax credit is made is—
- (a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
 - (b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
 - (c) a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
 - (d) a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.
- (4) For the purposes of this paragraph “tax credit” means child tax credit or working tax credit.

Disregard of changes in tax, contributions etc.

- 60.** In calculating the applicant’s income the authority may disregard any legislative change—
- (a) in the basic or other rates of income tax;
 - (b) in the amount of any personal tax relief;
 - (c) in the rates of social security contributions payable under the SSCBA or in the lower earnings limit or upper earnings limit for Class 1 contributions under that Act, the lower or upper limits applicable to Class 4 contributions under that Act or the amount specified in section 11(4) of that Act (small earnings exception in relation to Class 2 contributions);
 - (d) in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the SSCBA;
 - (e) in the maximum rate of child tax credit or working tax credit,

for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

Calculation of net profit of self-employed earners

- 61.** (1) For the purposes of paragraphs 48 (average weekly earnings of self-employed earners: persons who are not pensioners) and 57 (calculation of income on a weekly basis) the earnings of an applicant to be taken into account must be—
- (a) in the case of a self-employed earner who is engaged in employment

- on his own account, the net profit derived from that employment;
 - (b) in the case of a self-employed earner who is a pensioner whose employment is carried on in partnership, his share of the net profit derived from that employment, less—
 - (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions of self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium;
 - (c) in the case of a self-employed earner who is not a pensioner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975^(a), his share of the net profit derived from that employment, less—
 - (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (2) There must be disregarded from the net profit of an applicant who is not a pensioner, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).
- (3) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (9) applies, be calculated by taking into account the earnings of the employment over the assessment period less—
- (a) subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of that employment;
 - (b) an amount in respect of—
 - (i) income tax; and
 - (ii) social security contributions payable under the SSCBA, calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
 - (c) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.

(a) S.I. 1975/529.

(4) For the purposes of sub-paragraph (1)(b) the net profit of the employment is to be calculated by taking into account the earnings of the employment over the assessment period less, subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of the employment.

(5) Subject to sub-paragraph (6), no deduction is to be made under sub-paragraph (3)(a) or (4), in respect of—

- (a) any capital expenditure;
- (b) the depreciation of any capital asset;
- (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
- (d) any loss incurred before the beginning of the assessment period;
- (e) the repayment of capital on any loan taken out for the purposes of the employment;
- (f) any expenses incurred in providing business entertainment; and
- (g) in the case of an applicant who is not a pensioner, any debts, except bad debts proved to be such, but this paragraph does not apply to any expenses incurred in the recovery of a debt.

(6) A deduction is to be made under sub-paragraph (3)(a) or (4) in respect of the repayment of capital on any loan used for—

- (a) the replacement in the course of business of equipment or machinery; or
- (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.

(7) The authority must refuse to make a deduction in respect of any expenses under sub-paragraph (3)(a) or (4) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.

(8) For the avoidance of doubt—

- (a) a deduction must not be made under sub-paragraph (3)(a) or (4) in respect of any sum unless it has been expended for the purposes of the business;
- (b) a deduction must be made thereunder in respect of—
 - (i) the excess of any value added tax paid over value added tax received in the assessment period;
 - (ii) any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - (iii) any payment of interest on a loan taken out for the purposes of the employment.

(9) Where an applicant is engaged in employment as a child minder the net profit of the employment is to be one-third of the earnings of that

employment, less—

- (a) an amount in respect of—
 - (i) income tax; and
 - (ii) social security contributions payable under the SSCBA, calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
- (b) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.

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

(11) The amount in respect of any qualifying premium is to be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying premium must be determined—

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

(12) In this paragraph, “qualifying premium” means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of application.

Calculation of deduction of tax and contributions of self-employed earners

62. (1) The amount to be deducted in respect of income tax under paragraph 61(1)(b)(i), (3)(b)(i) or (9)(a)(i) (calculation of net profit of self-employed earners) must be calculated—

- (a) on the basis of the amount of chargeable income, and

- (b) as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007^(a) (personal allowances) as is appropriate to his circumstances.

(2) But, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a pro rata basis.

(3) The amount to be deducted in respect of social security contributions under paragraph 60(1)(b)(i), (3)(b)(ii) or (9)(a)(ii) is the total of—

- (a) the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the SSCBA at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of that Act (small earnings exception) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year must be reduced pro rata; and
- (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the SSCBA (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits must be reduced pro rata.

(4) In this paragraph "chargeable income" means—

- (a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (5) of paragraph 61;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

(a) 2007 c.3; the heading and subsection (1) of section 35 were amended by section 4 of the Finance Act 2012 (c.14) ("2012 Act"); subsections (2) and (4) were inserted by section 4 of the Finance Act 2009 (c.10). In section 36, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009. In section 37, the heading and subsection (2) were amended by, subsection (1) substituted by, and subsection (2A) inserted by section 4 of the 2012 Act; subsection (2) has also been amended by S.I. 2011/2926 and section 4 of the Finance Act 2009.

CHAPTER 7

Capital

Calculation of capital

63. (1) The capital of an applicant^(a) to be taken into account must be, subject to sub-paragraph (2), the whole of his capital calculated in accordance with this Part and (in the case of persons who are not pensioners) any income treated as capital under paragraph 64 (income treated as capital: persons who are not pensioners).

(2) There must be disregarded from the calculation of an applicant's capital under sub-paragraph (1), any capital, where applicable, specified in—

- (a) Schedule 9, in relation to pensioners;
- (b) Schedule 10, in relation to persons who are not pensioners.

(3) In the case of an applicant who is a pensioner, his capital is to be treated as including any payment made to him by way of arrears of—

- (a) child tax credit;
- (b) working tax credit;
- (c) state pension credit,

if the payment was made in respect of a period for the whole or part of which a reduction under this scheme was allowed before those arrears were paid.

(4) The capital of a child or young person who is a member of the family of an applicant who is not a pensioner must not be treated as capital of the applicant.

Income treated as capital: persons who are not pensioners

64. (1) This paragraph applies in relation to persons who are not pensioners.

(2) Any bounty derived from employment to which paragraph 9 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) applies and paid at intervals of at least one year is to be treated as capital.

(3) Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E is to be treated as capital.

(4) Any holiday pay which is not earnings under paragraph 41(1)(d) or 51(1)(d) (earnings of employed earners) is to be treated as capital.

(a) See paragraph 22A for the capital limit for eligibility of £16,000.

(5) Except any income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17, 30 to 33, 50 or 51 of Schedule 10 (capital disregards: persons who are not pensioners), any income derived from capital is to be treated as capital but only from the date it is normally due to be credited to the applicant's account.

(6) In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer is to be treated as capital.

(7) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, is to be treated as capital.

(8) There is to be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.

(9) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.

(10) Any arrears of working tax credit or child tax credit must be treated as capital.

Calculation of capital in the United Kingdom

65. Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less—

- (a) where there would be expenses attributable to the sale, 10 per cent; and
- (b) the amount of any encumbrance secured on it.

Calculation of capital outside the United Kingdom

66. Capital which an applicant possesses in a country outside the United Kingdom must be calculated—

- (a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;
- (b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

less, where there would be expenses attributable to sale, 10 per cent and the amount of any encumbrances secured on it.

Notional capital

67. (1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to a reduction or increasing the amount of that reduction except to the extent that that

capital is reduced in accordance with paragraph 68 (diminishing notional capital rule).

(2) A person who is a pensioner who disposes of capital for the purpose of—

- (a) reducing or paying a debt owed by the applicant; or
- (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the applicant's case, is to be regarded as not depriving himself of it.

(3) Sub-paragraphs (4) to (6) apply in relation to applicants who are not pensioners.

(4) Except in the case of—

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or
- (c) any loan which would be obtained only if secured against capital disregarded under Schedule 9; or
- (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
- (e) any sum to which paragraph 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a); or
- (f) any sum to which paragraph 51(a) of Schedule 10 refers; or
- (g) child tax credit; or
- (h) working tax credit,

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

(5) Any payment of capital, other than a payment of capital specified in sub-paragraph (6), made—

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

- water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of the family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- (6) Sub-paragraph (5) does not apply in respect of a payment of capital made—
 - (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund;
 - (b) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation—
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - (c) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
 - (d) in respect of a person's participation in the Mandatory Work Activity Scheme;
 - (e) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
 - (f) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

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

- (a) the value of his holding in that company must, notwithstanding paragraph 63 (calculation of capital) be disregarded; and
- (b) he must, subject to sub-paragraph (8), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.

(8) For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under sub-paragraph (7) is to be disregarded.

(9) Where an applicant is treated as possessing capital under any of sub-paragraphs (1), (4) or (5) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

Diminishing notional capital rule: pensioners

68.—(1) Where an applicant who is a pensioner is treated as possessing capital under paragraph 67(1) (notional capital), the amount which he is treated as possessing—

- (a) in the case of a week that is subsequent to—
 - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions, is to be reduced by an amount determined under sub-paragraph (3);
- (c) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—
 - (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied, is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week where the applicant satisfies the conditions that—

- (a) he is in receipt of a reduction under this scheme; and
- (b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) must be equal to the aggregate of—

- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
- (b) where the applicant has also claimed state pension credit, the

amount of any state pension credit or any additional amount of state pension credit to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 21(1) of the State Pension Credit Regulations 2002 (notional capital);

- (c) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of housing benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (notional capital);
- (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
- (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

(4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is a pensioner and would have been entitled to a reduction in council tax under this scheme in the relevant week but for paragraph 67(1).

(5) In such a case the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(b) is equal to the aggregate of—

- (a) the amount of the reduction in council tax to which the applicant would have been entitled in the relevant week but for paragraph 67(1);
- (b) if the applicant would, but for regulation 21 of the State Pension Credit Regulations 2002, have been entitled to state pension credit in respect of the benefit week, within the meaning of regulation 1(2) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
- (c) if the applicant would, but for regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount

of housing benefit to which he would have been entitled;

- (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
- (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.

(6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—

- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
- (b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) is to be re-determined under that sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case—

- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and
- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that—

- (a) a further application is made 26 or more weeks after—
 - (i) the date on which the applicant made an application in respect of which he was first treated as possessing the capital in question under paragraph 67(1);
 - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (11), the date on which he last made an application which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to a reduction under this scheme, whichever last occurred; and
- (b) the applicant would have been entitled to a reduction under this scheme but for paragraph 67(1).

(9) The amount as re-determined pursuant to sub-paragraph (7) must not

have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.

(10) For the purposes of this paragraph—

“part-week”—

- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction in council tax under this scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—
 - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
 - (ii) any other period of less than a week for which it is payable;

“relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 67(1)—

- (a) was first taken into account for the purpose of determining his entitlement to a reduction;
- or
- (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction;

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

Diminishing notional capital rule: persons who are not pensioners

69. (1) Where an applicant who is not a pensioner is treated as possessing capital under paragraph 67(1) (notional capital), the amount which he is treated as possessing—

- (a) in the case of a week that is subsequent to—
 - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or

- (ii) a week which follows that relevant week and which satisfies those conditions, is to be reduced by an amount determined under sub-paragraph (3);
- (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—
 - (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied, is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week (or, in the case of persons who are not pensioners, part-week) where the applicant satisfies the conditions that—

- (a) he is in receipt of a reduction in council tax under this scheme; and
- (b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of—

- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
- (b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
- (c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (notional capital);
- (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
- (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

(4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is not a pensioner and would

have been entitled to a reduction in council tax in the relevant week but for paragraph 67(1).

(5) In such a case the amount of the reduction in the amount of capital he is treated as possessing must be equal to the aggregate of—

- (a) the amount of council tax benefit to which the applicant would have been entitled in the relevant week but for paragraph 67(1);
- (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
- (c) if the applicant would, but for regulation 51(1) of the Income Support (General) Regulations 1987, have been entitled to income support in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
- (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
- (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.

(6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—

- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
- (b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case—

- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words

“relevant week” there were substituted the words “relevant subsequent week”; and

- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that—

(a) a further application is made 26 or more weeks after—

- (i) the date on which the applicant made an application for a reduction under this scheme in respect of which he was first treated as possessing the capital in question under paragraph 67(1);
- (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (7), the date on which he last made an application under this scheme which resulted in the weekly amount being re-determined, or
- (iii) the date on which he last ceased to be entitled to a reduction under this scheme, whichever last occurred; and

(b) the applicant would have been entitled to a reduction under this scheme but for paragraph 67(1).

(9) The amount as re-determined pursuant to sub-paragraph (6) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.

(10) For the purposes of this paragraph—

“part-week”—

- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction under this scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—
 - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker’s allowance is payable; and
 - (ii) any other period of less than a week for which it is payable;

“relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 67(1)—

(a) was first taken into account for the purpose of determining his

- entitlement to a reduction;
or
(b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction,

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

Capital jointly held

- 70.** Except where an applicant possesses capital which is disregarded under paragraph 67(7) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

Calculation of tariff income from capital: pensioners

- 71.** The capital of an applicant who is a pensioner, calculated in accordance with this Part(a), is to be treated as if it were a weekly income(b) of—
- (a) £1 for each £500 in excess of £10,000 but not exceeding £16,000;
and
 - (b) £1 for any excess which is not a complete £500.

Calculation of tariff income from capital: persons who are not pensioners

- 72.** The capital of an applicant who is not a pensioner, calculated in accordance with this Part(c), is to be treated as if it were a weekly income(d) of—
- (a) £1 for each £250 in excess of £6,000 but not exceeding £16,000; (b) £1 for any excess which is not a complete £250.

-
- (a) See Chapters 1 and 7 of Part 10 in particular, and the capital to be disregarded in accordance with Schedule 9.
 - (b) Income from capital is taken into account in calculating the income of an applicant who is a pensioner; see paragraph 39(1)(i).
 - (c) See Chapters 1 and 7 of Part 10 in particular, and the capital to be disregarded in accordance with Schedule 10.
 - (d) Income from capital is taken into account in calculating the income of an applicant who is not a pensioner; see paragraph 57(1)(b)(ii).

PART 11

Students

CHAPTER 1

General

Interpretation

73. (1) In this Part—

“academic year” means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course is to be considered to begin in the autumn rather than the summer;

“access funds” means—

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

“college of further education” means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992; “contribution” means—

- (a) any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student’s grant or student loan; or

(a) 1992 c.13.

(b) 1980 c.44.

(c) 2009 c.22.

- (b) any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority considers that it is reasonable for the following persons to contribute towards the holder's expenses—

- (i) the holder of the allowance or bursary;
- (ii) the holder's parents;
- (iii) the holder's parent's spouse, civil partner or a person ordinarily living with the holder's parent as if he or she were the spouse or civil partner of that parent; or
- (iv) the holder's spouse or civil partner;

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

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

"education authority" means a government department, a local authority as defined in section 579 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain;

"full-time course of study" means a full-time course of study which—

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

- (c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
- (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

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

“grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds or any payment to which paragraph 16 of Schedule 8 or paragraph 55 of Schedule 10 (allowances and payments for courses of study) applies;

“grant income” means—

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

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

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

“period of study” means—

- (a) in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- (b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, that year’s start and ending with either—
 - (i) the day before the start of the next year of the course in a case where the student’s grant or loan is assessed at a rate appropriate to his studying throughout the year or, if he does

- not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
- (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- (c) in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;

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

"qualifying course" means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker's Allowance Regulations 1996;

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

"standard maintenance grant" means—

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

"student" means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

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

(a) S.I. 2003/1994; relevant amending instrument is S.I. 2008/1477.

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

(2) For the purposes of the definition of “full-time student” in sub-paragraph (1), a person must be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course—

- (a) subject to sub-paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending—
 - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
 - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
- (b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

(3) For the purposes of paragraph (a) of sub-paragraph (2), the period referred to in that paragraph includes—

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

(a) 1998 c.30.

(4) In sub-paragraph (2), “modular course” means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

Treatment of students

74. This scheme has effect in relation to students who are not pensioners subject to the following provisions of this Part.

Students who are excluded from entitlement to a reduction under this scheme

75. (1) The students who are excluded from entitlement to a reduction under this scheme are, subject to sub-paragraphs (2) and (7)—

- (a) full-time students, and
- (b) students who are persons treated as not being in Great Britain**(b)**.

(2) Sub-paragraph (1)(b) does not apply to a student—

- (a) who is a person on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) whose applicable amount would, but for this paragraph, include the disability premium or severe disability premium;
- (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
- (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;

(b) See paragraph 21 as to persons treated as not being in Great Britain.

- (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989 or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
- (i) who is—
 - (i) aged under 21 and whose course of study is not a course of higher education,
 - (ii) aged 21 and attained that age during a course of study which is not a course of higher education, or
 - (iii) a qualifying young person or child within the meaning of section 142 of the SSCBA (child and qualifying young person);
- (j) in respect of whom—
 - (i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
 - (iii) a payment has been made under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
 - (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
 - (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

(3) Sub-paragraph (2)(i)(ii) only applies to an applicant until the end of the course during which the applicant attained the age of 21.

(4) For the purposes of sub-paragraph (2), once sub-paragraph (2)(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph must, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.

(5) In sub-paragraph (2)(i) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988^(a).

(6) A full-time student to whom sub-paragraph (2)(i) applies must be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

(7) Sub-paragraph (1)(b) does not apply to a full-time student for the period specified in sub-paragraph (8) if—

- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is—
 - (i) engaged in caring for another person; or
 - (ii) ill;
- (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
- (c) he is not eligible for a grant or a student loan in respect of the period specified in sub-paragraph (8).

(8) The period specified for the purposes of sub-paragraph (7) is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before—

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

whichever first occurs

CHAPTER 2

Income

Calculation of grant income

76. (1) The amount of a student's grant income to be taken into account in assessing his income must, subject to sub-paragraphs (2) and (3), be the whole of his grant income.

(2) There must be excluded from a student's grant income any payment—

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;

(a) 1988 c.40

- (c) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (d) on account of any other person but only if that person is residing outside the United Kingdom and there is no applicable amount in respect of him;
- (e) intended to meet the cost of books and equipment;
- (f) intended to meet travel expenses incurred as a result of his attendance on the course;
- (g) intended for the child care costs of a child dependant;
- (h) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.

(3) Where a student does not have a student loan and is not treated as assessing such a loan, there must be excluded from the student's grant income—

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

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

(5) Subject to sub-paragraphs (6) and (7), a student's grant income must be apportioned—

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

(a) 1998 c.30.

(6) Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 must be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.

(7) In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither sub-paragraph (6) nor paragraph 80(2) (other amounts to be disregarded) applies, must be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

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

Calculation of covenant income where a contribution is assessed

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

(2) The weekly amount of the student's covenant must be determined—

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

(3) For the purposes of sub-paragraph (1), the contribution must be treated as increased by the amount (if any) by which the amount excluded under paragraph 76(2)(g) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

Covenant income where no grant income or no contribution is assessed

78. (1) Where a student is not in receipt of income by way of a grant the amount of his covenant income must be calculated as follows—

- (a) any sums intended for any expenditure specified in paragraph

- 76(2)(a) to (e) necessary as a result of his attendance on the course must be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, must be apportioned equally between the weeks of the period of study;
 - (c) there must be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 76(2)(f) and (3) had the student been in receipt of the standard maintenance grant; and
 - (d) the balance, if any, must be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 must be disregarded.

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

- (a) the value of the standard maintenance grant must be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 76(2)(a) to (e); and
- (b) the amount to be disregarded under sub-paragraph (1)(c) must be abated by an amount equal to the amount of any sums disregarded under paragraph 76(2)(f) and (g) and (3).

Relationship with amounts to be disregarded under Schedule 8

- 79.** No part of a student's covenant income or grant income is to be disregarded under paragraph 19 of Schedule 8 (disregard of certain charitable and voluntary, etc., payments).

Other amounts to be disregarded

- 80.** (1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 81 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 76(2) (calculation of grant income), necessary as a result of his attendance on the course must be disregarded.

(2) But sub-paragraph (1) applies only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraph 76(2) or (3), 77(3), 78(1)(a) or (c) or 81(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

Treatment of student loans

- 81.** (1) A student loan is to be treated as income.

(2) In calculating the weekly amount of the loan to be taken into account as income—

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

but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the authority, the longest of any vacation is taken and for the purposes of this paragraph, "quarter" has the same meaning as for the purposes of the Education (Student Support) Regulations 2005;

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

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

- (d) in any other case, the loan is to be apportioned equally between the weeks in the period beginning with the earlier of—

- (i) the first day of the first reduction week in September; or
- (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of June,

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

(3) A student is to be treated as possessing a student loan in respect of an academic year where—

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

(4) Where a student is treated as possessing a student loan under sub-paragraph (3), the amount of the student loan to be taken into account as income must be, subject to sub-paragraph (5)—

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

(5) There must be deducted from the amount of income taken into account under sub-paragraph (4)—

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the cost of books and equipment,

whether or not any such costs are incurred.

(6) A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.

Treatment of payments from access funds

82. (1) This paragraph applies to payments from access funds that are not payments to which paragraph 85(2) or (3) (income treated as capital) applies.

(2) A payment from access funds, other than a payment to which sub-paragraph (3) applies, must be disregarded as income.

(3) Subject to sub-paragraph (4) of this paragraph and paragraph 40 of Schedule 8 (disregards in the calculation of income other than earnings: persons who are not pensioners)—

- (a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family, and
- (b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable,

must be disregarded as income to the extent of £20 per week.

(4) Where a payment from access funds is made—

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

that payment must be disregarded as income.

Disregard of contribution

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

Further disregard of student's income

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

Income treated as capital

85. (1) Any amount by way of a refund of tax deducted from a student's

covenant income must be treated as capital.

(2) An amount paid from access funds as a single lump sum must be treated as capital.

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

Disregard of changes occurring during summer vacation

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

PART 12

Extended reductions

CHAPTER 1

Extended reductions: pensioners

Extended reductions: pensioners

87. Paragraphs 88 to 93 apply in relation to applicants who are pensioners.

Extended reductions (qualifying contributory benefits): pensioners

88. (1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes A to C is entitled to an extended reduction (qualifying contributory benefits) where—
- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
 - (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes A to C where—

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): pensioners

89. (1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended reduction period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant who is receiving the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits): pensioners

90. (1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) the applicant is entitled to is the greater of—

- (a) the amount of council tax reduction to which the applicant was entitled by virtue of falling within any of classes A to C in the last

- reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled under by virtue of falling within any of classes A to C for any reduction week during the extended reduction period, if paragraph 88 (extended reductions (qualifying contributory benefits): pensioners) did not apply to the applicant; or
 - (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes A to C, if paragraph 88 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, the authority must not award a reduction in pursuance of that application during the extended reduction period.

Extended reductions (qualifying contributory benefits)—movers: pensioners

91. (1) This paragraph applies—

- (a) to a mover^(a); and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefits) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

(a) See also paragraph 103 in relation to persons moving into the area of the authority from another authority's area.

Relationship between extended reduction (qualifying contributory benefits) and entitlement to a reduction by virtue of classes A to C

- 92.** (1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 88(1)(b), that reduction does not cease to have effect until the end of the extended reduction period.
- (2) Part 13 (when entitlement begins and change of circumstances) does not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 90(1)(a) or paragraph 91(2) (amount of extended reduction — movers: pensioners).

Continuing reductions where state pension credit claimed: pensioners

- 93.** (1) This paragraph applies where—
- (a) the applicant is entitled to a reduction under this scheme;
 - (b) sub-paragraph (2) is satisfied; and
 - (c) either—
 - (i) the applicant has attained the qualifying age for state pension credit or, if his entitlement to income-based jobseeker's allowance or income-related employment and support allowance continued beyond that age, has attained the age of 65; or
 - (ii) the applicant's partner has actually claimed state pension credit.
- (2) This sub-paragraph is only satisfied if the Secretary of State has certified to the authority that the applicant's partner has actually claimed state pension credit or that—
- (a) the applicant's award of—
 - (i) income support has terminated because the applicant has attained the qualifying age for state pension credit; or
 - (ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the applicant has attained the qualifying age for state pension credit or the age of 65; and
 - (b) the applicant has claimed or is treated as having claimed or is required to make a claim for state pension credit.
- (3) Subject to sub-paragraph (4), in a case to which this paragraph applies, a person continues to be entitled to a reduction under this scheme for the period of 4 weeks beginning on the day following the day the applicant's entitlement to income support or, as the case may be, income-based jobseeker's allowance, income-related employment and support allowance, ceased, if and for so long as the applicant otherwise satisfies the conditions for entitlement to a reduction under this scheme.

(4) Where a reduction under this scheme is awarded for the period of 4 weeks in accordance with sub-paragraph (3) above, and the last day of that period falls on a day other than the last day of a reduction week, then a reduction under this scheme must continue to be awarded until the end of the reduction week in which the last day of that period falls.

(5) Throughout the period of 4 weeks specified in sub-paragraph (3) and any further period specified in sub-paragraph (4)—

- (a) the whole of the income and capital of the applicant is to be disregarded;
- (b) the maximum council tax reduction amount of the applicant is to be that which was applicable in his case immediately before that period commenced.

(6) The maximum reduction is to be calculated in accordance with paragraph 29(1) if, since the date it was last calculated—

- (a) the applicant's council tax liability has increased; or
- (b) a change in the deduction under paragraph 30 falls to be made.

CHAPTER 2

Extended reductions: persons who are not pensioners

Extended reductions: persons who are not pensioners

94. Paragraphs 95 to 104 apply in relation to applicants who are not pensioners.

Extended reductions: persons who are not pensioners

95. (1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to H is entitled to an extended reduction where—

- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more; and

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying

income-related benefit ceased.

(2) For the purpose of sub-paragraph (1)(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

(3) For the purpose of this paragraph, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they must be treated as being entitled to and in receipt of jobseeker's allowance.

(4) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to H where—

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

(5) This paragraph does not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987^(a) (remunerative work: housing costs) applied to that applicant.

Duration of extended reduction period: persons who are not pensioners

96. (1) Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended reduction period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax, if that occurs first.

(a) S.I. 1987/1967.

Amount of extended reduction: persons who are not pensioners

97. (1) For any week during the extended reduction period the amount of the extended reduction to which an applicant is entitled is to be the higher of—

- (a) the amount of the reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to H in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to H for any reduction week during the extended reduction period, if paragraph 95 (extended reductions: persons who are not pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to H, if paragraph 95 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction under this scheme is to be awarded by the authority during the extended reduction period.

Extended reductions—movers: persons who are not pensioners

98. (1) This paragraph applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme to which the mover would have been entitled had they, or their partner, not ceased to be entitled to a qualifying income-related benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

Relationship between extended reduction and entitlement to a reduction by virtue of classes D to H

99. (1) Where an applicant's entitlement to a reduction under this scheme would have ended when the applicant ceased to be entitled to a

qualifying income-related benefit in the circumstances listed in paragraph 95(1)(b), that entitlement does not cease until the end of the extended reduction period.

(2) Paragraphs 106 and 107 do not apply to any extended reduction payable in accordance with paragraph 95(1)(a) or 98(2) (amount of extended reduction—movers: persons who are not pensioners).

Extended reductions (qualifying contributory benefits): persons who are not pensioners

100. (1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to H is entitled to an extended reduction (qualifying contributory benefits) where—

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to H where—

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): persons who are not pensioners

101. (1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended reduction period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant entitled to the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits): persons who are not pensioners

102. (1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant is to be the greater of—

- (a) the amount of reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to H in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to H for any reduction week during the extended reduction period, if paragraph 100 (extended reductions (qualifying contributory benefits): persons who are not pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to H, if paragraph 100 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction may be allowed by the appropriate authority during the extended reduction period.

Extended reductions (qualifying contributory benefits)—movers: persons who are not pensioners

103. (1) This paragraph applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was awarded to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

- (a) the second authority; or
- (b) the mover directly.

Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction by virtue of classes D to H

104. (1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 100(1)(b), that reduction does not cease until the end of the extended reduction period.

(2) Paragraphs 106 and 107 (dates on which entitlement begins and change of circumstances take effect) do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 102(1)(a) or 103(2) (amount of extended reduction—movers: persons who are not pensioners).

CHAPTER 3

Extended reductions: movers in the authority's area

Extended reductions: applicant moving into the authority's area

105. Where—

- (a) an application is made to the authority ("the current authority") for a reduction under this scheme, and
- (b) the applicant, or the partner of the applicant, is in receipt of an extended reduction from—
 - (i) another billing authority in England; or
 - (ii) a billing authority in Wales,

the current authority must reduce any reduction to which the applicant is entitled under this scheme by the amount of that extended reduction.

PART 13

When entitlement begins and change of circumstances

Date on which entitlement begins

106. (1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for a reduction under this scheme is made and who is otherwise entitled to that reduction is so entitled from the reduction week following the date on which that application is made or is treated as made.

(2) Where a person is otherwise entitled to a reduction under this scheme and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his application is made or is treated as made, he is so entitled from that reduction week.

Date on which change of circumstances is to take effect

107. (1) Except in cases where paragraph 60 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph and (in the case of applicants who are pensioners) paragraph 108 (change of circumstance where state pension credit in payment), a change of circumstances which affects entitlement to, or the amount of, a reduction under this scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs.

(2) Where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs is the day immediately following the last day of entitlement to that benefit.

(3) Subject to sub-paragraph (4), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.

(4) Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under section 11 or 11A of that Act^(a) (discounts), it takes effect from the day on which the change in amount has effect.

(5) Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

(a) Section 11A was inserted by section 75(1) of the Local Government Act 2003 (c.26).

(6) Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

(7) If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with sub-paragraphs (1) to (6) they take effect from the day to which the appropriate sub-paragraph from (3) to (6) above refers, or, where more than one day is concerned, from the earlier day.

(8) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances takes effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

(9) Without prejudice to sub-paragraph (8), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

(10) Sub-paragraph (11) applies if—

- (a) the applicant or his partner has attained the age of 65; and
- (b) either—

- (i) a non-dependant took up residence in the applicant's dwelling; or
 - (ii) there has been a change of circumstances in respect of a non-dependant so that the amount of the deduction which falls to be made under paragraph 30 increased.

(11) Where this sub-paragraph applies, the change of circumstances referred to in sub-paragraph (10)(b) takes effect from the effective date.

(12) In sub-paragraph (11), but subject to sub-paragraph (13), "the effective date" means—

- (a) where more than one change of a kind referred to in sub-paragraph (10)(b) relating to the same non-dependant has occurred since—
 - (i) the date on which the applicant's entitlement to a reduction under this scheme first began; or
 - (ii) the date which was the last effective date in respect of such a change,

whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;

- (b) where paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in sub-paragraph (10)(b) occurred.

(13) If in any particular case the date determined under sub-paragraph (12) is not the first day of a reduction week, the effective date in that case is to be the first day of the next reduction week to commence after the date determined under that sub-paragraph.

Change of circumstances where state pension credit in payment

108. (1) Sub-paragraphs (2) and (3) apply where—

- (a) the applicant is in receipt of state pension credit;
- (b) the amount of state pension credit awarded to him is changed in consequence of a change in the applicant's circumstances or the correction of an official error; and
- (c) the change in the amount of state pension credit payable to the applicant results in a change in the amount of a reduction he receives under this scheme.

(2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the applicant results in—

- (a) an increase in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the increased rate; or
- (b) a decrease in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which—
 - (i) the local authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or
 - (ii) state pension credit is increased,

whichever is the later.

(3) Where the change of circumstance (“the relevant change”) is that the applicant's state pension credit has been reduced and in consequence the reduction the applicant receives under this scheme reduces—

- (a) in a case where the applicant's state pension credit has been reduced because the applicant failed to notify the Secretary of State timeously of a change of circumstances, the relevant change takes effect from the first day of the reduction week from which state pension credit was reduced; or
- (b) in any other case the relevant change takes effect from the first day of the reduction week next following the date on which—
 - (i) the authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or

- (ii) state pension credit is reduced, whichever is the later.

(4) Where the change of circumstance is that state pension credit is reduced and in consequence of the change, the amount of a reduction he receives under this scheme is increased, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the reduced rate.

(5) Where a change of circumstance occurs in that an award of state pension credit has been made to the applicant or his partner and this would result in a decrease in the amount of reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which—

- (a) the authority receives notification from the Secretary of State of the award of state pension credit; or
- (b) entitlement to state pension credit begins, whichever is the later.

(6) Where, in the case of an applicant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is—

- (a) a change of circumstances of a kind described in any of sub-paragraphs (2) to (5) which results from a relevant calculation or estimate; and
- (b) a change of circumstances which is a relevant determination,

each of which results in a change in the amount of reduction the applicant receives under this scheme, the change of circumstances referred to in sub-paragraph (b) takes effect from the day specified in sub-paragraph (2), (3), (4) or (5) as the case may be, in relation to the change referred to in paragraph (a).

(7) Where a change of circumstance occurs in that a guarantee credit has been awarded to the applicant or his partner and this would result in an increase in the amount of a reduction the applicant receives under this scheme, the change takes effect from the first day of the reduction week next following the date in respect of which the guarantee credit is first payable.

(8) Where a change of circumstances would, but for this sub-paragraph, take effect under the preceding provisions of this paragraph within the 4 week period specified in paragraph 93 (continuing reductions where state pension credit claimed), that change takes effect on the first day of the first reduction week to commence after the expiry of the 4 week period.

(9) In this paragraph—

“official error” means an error made by—

- (a) the authority or a person—
 - (i) authorised to carry out any function of the authority relating to

- this scheme; or
 - (ii) providing services relating to this scheme directly or indirectly to the authority; or
- (b) an officer of—
 - (i) the Department for Work and Pensions; or
 - (ii) the Commissioners of Inland Revenue, acting as such,

but excludes any error caused wholly or partly by any person or body not specified in paragraph (a) or (b) of this definition and any error of law which is shown to have been an error only by virtue of a subsequent decision of the court;

“relevant calculation or estimate” means the calculation or estimate made by the Secretary of State of the applicant’s or, as the case may be, the applicant’s partner’s income and capital for the purposes of the award of state pension credit;

“relevant determination” means a change in the determination by the authority of the applicant’s income and capital using the relevant calculation or estimate, in accordance with paragraph 36(1).

PART 14

Applications (including duties to notify authority of change of circumstances)

Making an application

109. (1) In the case of—

- (a) a couple or (subject to paragraph (b)) members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines; or
- (b) in the case of members of a polygamous marriage to whom paragraph 37 (income and capital: award of universal credit) applies, an application is to be made by whichever one of the parties to the earliest marriage that still subsists they agree should so apply or, in default of agreement, by such one of them as the authority determines.

(2) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and—

- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000^(a) who has power to apply or, as the case may be, receive benefit on his behalf; or
- (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971^(b), the Enduring Powers of Attorney Act 1985^(c) or the Mental Capacity Act 2005 or otherwise,

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

- (3) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under this scheme and to receive and deal on his behalf with any sums payable to him.

(a) 2000 asp 4.
(b) 1971 c.27.
(c) 1985 c.29.

- (4) Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).
- (5) Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4)—
 - (a) it may at any time revoke the appointment;
 - (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
 - (c) any such appointment must terminate when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- (6) Anything required by this scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- (7) The authority must—
 - (a) inform any person making an application of the duty imposed by paragraph 115(1)(a);
 - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

Date on which an application is made

110. (1) Subject to sub-paragraph (7), the date on which an application is made is—

- (a) in a case where—
 - (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
 - (ii) the application is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,

the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;

(b) in a case where—

- (i) an applicant or his partner is a person in receipt of a guarantee credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
- (iii) the application to the authority is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(c) in a case where—

- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
- (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,

the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

(d) in a case where—

- (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
- (iii) the application to the authority is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(e) in a case where—

- (i) the applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under this scheme, and
- (ii) where the applicant makes an application for a reduction under

this scheme within one month of the date of the death or the separation,

the date of the death or separation;

- (f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to the applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;
- (g) in any other case, the date on which the application is received at the designated office.

(2) For the purposes only of sub-paragraph (1)(c) a person who has been awarded an income- based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under—

- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
- (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days), have been entitled to that allowance.

(3) Where the defect referred to in paragraph 7 of Schedule 1 to this scheme (application by telephone)—

- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;
- (b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide on the application.

(4) The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.

(5) The conditions are that—

- (a) where paragraph 4(a) of Schedule 1 (incomplete form) applies, the authority receives at its designated office the properly completed application or the information requested to complete it or the evidence

- within one month of the request, or such longer period as the authority may consider reasonable; or
- (b) where paragraph 4(b) of Schedule 1 (application not on approved form or further information requested by authority) applies—
- (i) the approved form sent to the applicant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,
 - (ii) the applicant supplies whatever information or evidence was requested under paragraph 4 of that Schedule within one month of the request,
- or, in either case, within such longer period as the authority may consider reasonable; or
- (c) where the authority has requested further information, the authority receives at its designated office the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

(6) Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.

(7) Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under this scheme for a period beginning not later than—

- (a) in the case of an application made by—
- (i) a pensioner, or
 - (ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit,

the seventeenth reduction week following the date on which the application is made, or

- (c) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application

is made,

the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

(8) In this paragraph “appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims for income support, a jobseeker’s allowance or an employment and support allowance.

Back-dating of applications: pensioners

111. (1) Subject to sub-paragraph (2), the time for the making of an application under this scheme by a pensioner is as regards any day on which, apart from satisfying the condition of making an application, the applicant is entitled to such a reduction, that day and the period of three months immediately following it.

(2) In any case where paragraph 110(1)(a) applies, sub-paragraph (1) does not entitle a person to apply for a reduction under this scheme in respect of any day earlier than three months before the date on which the claim for state pension credit is made (or treated as made by virtue of any provision of the Social Security (Claims and Payments) Regulations 1987).

Back-dating of applications: persons who are not pensioners

112. (1) Where an applicant who is a person who is not a pensioner—

- (a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and
- (b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period),

the application is to be treated as made on the date determined in accordance with sub-paragraph (2).

(2) That date is the latest of—

- (a) the first day from which the applicant had continuous good cause;
- (b) the day 6 months before the date the application was made;
- (c) the day 6 months before the date when the applicant requested that the application should include a past period.

Information and evidence

113. (1) Subject to sub-paragraph (3), a person who makes an application for a reduction under this scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

(2) This sub-paragraph is satisfied in relation to a person if—

(a) the application is accompanied by—

- (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
- (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or

(b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by—

- (i) evidence of the application for a national insurance number to be so allocated; and
- (ii) the information or evidence enabling it to be so allocated.

(3) Sub-paragraph (2) does not apply—

(a) in the case of a child or young person in respect of whom an application for a reduction is made;

(b) to a person who—

- (i) is a person treated as not being in Great Britain for the purposes of this scheme^(a);
- (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
- (iii) has not previously been allocated a national insurance number.

(4) Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under this scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by the authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under this scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

(5) Nothing in this paragraph requires a person to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.

(6) Where a request is made under sub-paragraph (4), the authority must—

- (a) inform the applicant or the person to whom a reduction under this scheme has been awarded of his duty under paragraph 115 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
- (b) without prejudice to the extent of the duty owed under paragraph 115, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which is to be notified.

(a) As to which, see paragraph 21

(7) This sub-paragraph applies to any of the following payments—

- (a) a payment which is—
 - (i) disregarded under paragraph 28 of Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners) or paragraph 38 of Schedule 10 (capital disregards: persons who are not pensioners); or
 - (ii) made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
- (b) a payment which is disregarded under paragraph 16 of Schedule 9 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);
- (c) a payment which is disregarded under paragraph 30(9)(b) or (c) (payment made under certain trusts etc.) or paragraph 2(b) or (c) of Schedule 4 (payments made under certain trusts etc.) other than a payment under the Independent Living Fund (2006).

(8) Where an applicant or a person to whom a reduction under this scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information—

- (a) the name and address of the pension fund holder^(a);
- (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

Amendment and withdrawal of application

114. (1) A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.

(2) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the amendment may also be made by telephone.

(3) Any application amended in accordance with sub-paragraph (1) or (2) is to be treated as if it had been amended in the first instance.

(4) A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.

(a) For provisions requiring a pension fund holder to provide information to the billing authority see regulations under section 14A of the Local Government Finance Act 1992.

(5) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the withdrawal may also be made by telephone.

(6) Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

(7) Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

Duty to notify changes of circumstances

115. (1) Subject to sub-paragraphs (3), ~~(6)~~ and ~~(7)~~(9), the applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time—

- (a) between the making of an application and a decision being made on it, or
- (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under this scheme) including at any time while the applicant is in receipt of such a reduction.

(2) The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under this scheme (a “relevant change of circumstances”) by giving notice to the authority—

- (a) in writing; or
- (b) by telephone—

- (i) where the authority has published a telephone number for that purpose or for the purposes of Part 1 of Schedule 1 unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
- (c) by any other means which the authority agrees to accept in any particular case,

within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.

(3) The duty imposed on a person by sub-paragraph (1) does not extend to notifying—

- (a) changes in the amount of council tax payable to the authority;
- (b) changes in the age of the applicant or that of any member of his family;
- (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under this scheme to which he is entitled, other than the cessation of that entitlement to the benefit.

(4) For the purposes of sub-paragraph (3)(c) “relevant benefit” means income support, an income-based jobseeker’s allowance or an income-related employment and support allowance or universal credit.

(5) Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.

(6) The duty imposed on a person by sub-paragraph (1) includes—

- (a) in the case of a person falling within class C (pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs;
- (b) in the case of a person falling within class F (persons who are not pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of income support, an income-based jobseeker’s allowance or an income-related employment and support allowance, the date when this occurs.

(7) A person who has been awarded a reduction under this scheme who is also on state pension credit must report—

- (a) changes affecting the residence or income of any non-dependant normally residing with the applicant or with whom the applicant normally resides;
- (b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks.

(8) In addition to the changes required to be reported under sub-paragraph (7), a person whose state pension credit comprises only the savings credit must also report—

- (a) changes affecting a child living with him which may result in a change in the amount of reduction under this scheme allowed in his case, but not changes in the age of the child;

- (b) any change in the amount of the applicant's capital to be taken into account which does or may take the amount of his capital to more than £16,000;
- (c) any change in the income or capital of—
 - (i) a non-dependant whose income and capital are treated as belonging to the applicant in accordance with paragraph 34 (circumstances in which income of a non-dependant is to be treated as applicant's); or
 - (ii) a person to whom paragraph 36(2)(e) (partner treated as member of the household under paragraph 8) refers,

and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the applicant.

(9) A person who is entitled to a reduction under this scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (7) and (8).

PART 15

Decisions by authority

Decision by authority

- 116.** The authority must make a decision on an application for a reduction under this scheme within 14 days of paragraphs 110 and 113 and Part 1 of Schedule 1 being satisfied, or as soon as reasonably practicable thereafter.

Notification of decision

- 117.** (1) The authority must notify in writing any person affected by a decision made by it under this scheme—
- (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
 - (b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.
- (2) Where the decision is to award a reduction the notification under sub-paragraph (1) must include a statement—
- (a) informing the person affected of the duty imposed by paragraph 115(1)(b);
 - (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.
- (3) Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.
- (4) In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in this scheme relating to the procedure for making an appeal^(a).
- (5) A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

(a) See paragraphs 8 to 10 of Schedule 1.

(6) The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

(7) For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under this scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

(8) This sub-paragraph applies to—

- (a) the applicant;
- (b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act—
 - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
 - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000^(b) who has power to apply or, as the case may be, receive benefit on the person's behalf; or
 - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
- (c) a person appointed by the authority under paragraph 109(3).

(b) 2000 asp 4.

PART 16

Circumstances in which a payment may be made

Payment where there is joint and several liability

118. (1) Where—

- (a) a person is entitled to a reduction under this scheme in respect of his liability for the authority's council tax as it has effect in respect of a financial year;
- (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
- (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers would be inappropriate,

it may make a payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

- (2) Subject to sub-paragraph (3), any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

- (3) Where a person other than the person who is entitled to the reduction under this scheme made the application for the reduction and that first person is a person acting pursuant to an appointment under paragraph 109(3) (persons appointed to act for a person unable to act) or is treated as having been so appointed by virtue of paragraph 109(5), the amount of the reduction may be paid to that person.

SCHEDULE 1

Procedural matters

PART 1

Procedure for an application for a reduction under this scheme

Procedure by which a person may apply for a reduction under this scheme

1. Paragraphs 2 to 7 apply to an application for a reduction under this scheme.
2. An application may be made—
 - (a) in writing,
 - (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
3. (1) An application which is made in writing must be made to the designated office on a properly completed form.

(2) The form must be provided free of charge by the authority for the purpose.
4. (1) Where an application made in writing is defective because—
 - (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
 - (b) it was made in writing but not on the form supplied for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,

the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

(2) An application made on a form provided by the authority is properly completed if completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
5. (1) If an application made by electronic communication is defective the

authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.
7. (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

PART 2

Procedure for making an appeal

Procedure by which a person may make an appeal against certain decisions of the authority

8. A person who is aggrieved by a decision of the authority which affects—
 - (a) the person's entitlement to a reduction under this scheme, or
 - (b) the amount of any reduction under this scheme,may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
9. The authority must—
 - (a) consider the matter to which the notice relates;
 - (b) notify the aggrieved person in writing—
 - (i) that the ground is not well founded, giving reasons for that belief;
or
 - (ii) that steps have been taken to deal with the grievance, stating the steps taken.
10. Where, following notification under paragraph 9(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with paragraph 9(b) within two months of the service of his notice, he may appeal to a valuation tribunal under section 16 of the 1992 Act.

PART 3

Procedure for applying for a discretionary reduction

Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act

11. (1) An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made—

- (a) in writing;
- (b) by means of an electronic communication in accordance with Part 4 of this Schedule; or
- (c) where the authority has published a telephone number for the purposes of receiving such applications, by telephone.

(2) Where—

- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
- (b) a person in that class would otherwise be entitled to a reduction under this scheme,

that person's application for a reduction under this scheme may also be treated as an application for a reduction under section 13A(1)(c).

PART 4

Electronic communication

Interpretation

12. In this Part—

"information" includes an application, certificate, notice or other evidence;
"official computer system" means a computer system maintained by or on behalf of the authority for the sending, receiving, processing or storing of any information.

Conditions for the use of electronic communication

13. (1) The authority may use an electronic communication in connection with applications for, and awards of, reductions under this scheme.

(2) A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

(3) The first condition is that the person is for the time being permitted

to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

(4) The second condition is that the person uses an approved method of—

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any application or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

(5) The third condition is that any information sent by means of an electronic communication is in a form supplied for the purposes of this Part of this Schedule.

(6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

(7) Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

(8) In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this Part of this Schedule.

Use of intermediaries

14. The authority may use intermediaries in connection with—

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

Effect of delivering information by means of electronic communication

15. (1) Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of this scheme, on the day the conditions imposed—

- (a) by this Part; and

(b) by or under an enactment, are satisfied.

(2) The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

(3) Information must not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

Proof of identity of sender or recipient of information

16. If it is necessary to prove, for the purpose of any legal proceedings, the identity of—

- (a) the sender of any information delivered by means of an electronic communication to an official computer system; or
- (b) the recipient of any such information delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

Proof of delivery of information

17. (1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this must be presumed to have been the case where—

- (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
- (b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

(2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this must be presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

(3) If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt must be presumed to be that recorded on an official computer system.

Proof of content of information

18. If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content must be presumed to be that recorded on an official computer system.

SCHEDULE 2

Applicable amounts: pensioners

PART 1

Personal allowances

Personal allowance

1. The amount specified in column (2) below in respect of each person or couple specified in column (1) is the amount specified for the purposes of paragraph 25(1)(a).

<i>Column (1)</i> <i>Person, couple or polygamous marriage</i>	<i>Column (2)</i> <i>Amount</i>
(1) Single applicant or lone parent—	(1)
(a) aged under 65;	(a) £ ~~142.70~~ <u>148.35</u> ;
(b) aged 65 or over. (2)	(b) £ ~~161.25~~ <u>165.15</u> .
(2) Couple—	(2)
(a) both members aged under 65	(a) £ ~~217.90~~ <u>226.50</u> ;
(b) one or both members aged 65 or over.	(b) £ ~~241.65~~ <u>247.20</u>
(3) If the applicant is a member of a polygamous marriage and none of the members of the marriage has attained the age of 65—	(3)
(a) for the applicant and the other party to the marriage;	(a) £ ~~217.90~~ <u>226.50</u> ;
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £ ~~75.20~~ <u>82.50</u>
(4) If the applicant is a member of a polygamous marriage and one or more members of the marriage are aged 65 or over—	.(4)
(a) for the applicant and the other party to the marriage;	(a) £ ~~241.65~~ <u>247.20</u> ;
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £ ~~80.40~~ <u>82.05</u>

Child or young person amounts

2. (1) The amounts specified in column (2) below in respect of each person specified in column (1) are the amounts, for the relevant period specified in column (1), specified for the purposes of paragraph 25(1)(b).

<i>Column (1)</i> <u>Child or young person</u>	<i>Column (2)</i> <i>Amount</i>
Person in respect of the period—	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	(a) £ ~~64.99~~ <u>66.33</u> ;
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	(b) £ ~~64.99~~ <u>66.33</u> .

(2) In column (1) of the table "the first Monday in September" means the Monday which first occurs in the month of September in any year.

PART 2

Family premium

Family premium

3. The amount for the purposes of paragraph 25(1)(c) in respect of a family of which at least one member is a child or young person is £17.40.

PART 3

Premiums

4. The premiums specified in Part 4 are, for the purposes of paragraph 25(1)(d), applicable to an applicant who satisfies the condition specified in this Part in respect of that premium.
5. (1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person is to be treated as being in receipt of any benefit for—
- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provision of those Regulations, he would be in receipt of that benefit; and
 - (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973, or by Skills Development Scotland, Scottish Enterprise or Highland and Islands

Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 or an AFIP.

Severe disability premium

6. (1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if—

- (a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—
 - (i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; and
 - (ii) subject to sub-paragraph (6), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
 - (iii) no person is entitled to, and in receipt of, a carer's allowance in respect of caring for him;
- (b) in the case of an applicant who has a partner—
 - (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP;
 - (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance; and
 - (iii) subject to sub-paragraph (6), the applicant has no non-

dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance in respect of caring for only one of the couple or, if he is a member of a polygamous marriage, for one or more but not all the members of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance in respect of caring for either member of a couple or any of the members of the marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of sub-paragraph (4), that partner is to be treated for the purposes of sub-paragraph (2) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (3), a person is blind if he is registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.

(5) For the purposes of sub-paragraph (4), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—

- (a) a person receiving attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; or
- (b) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and

(7) For the purposes of sub-paragraph (2)(b) a person is to be treated—

- (a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
- (b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance

with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so in receipt, notwithstanding section 86 of that Act and regulations made thereunder;

- (c) as being in receipt of an AFIP if he would be so in receipt but for a suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- (d) as being entitled to and in receipt of a carer's allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.

(8) For the purposes of sub-paragraph (2)(a)(iii) and (b)—

- (a) no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid; and
- (b) references to a person being in receipt of a carer's allowance include reference to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001^(a) (loss of benefit).

Enhanced disability premium

7. (1) The condition is that—

- (a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act; or
- (b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate prescribed in accordance with section 78(2) of that Act,

in respect of a child or young person who is a member of the applicant's family.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

(a) 2001 c.11.

Disabled child premium

8. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—
- (a) is in receipt of disability living allowance, personal independence payment or is no longer in receipt of such allowance or payment because he is a patient, provided that the child or young person continues to be a member of the family; or
 - (b) is blind within the meaning of paragraph 6(4) or treated as blind in accordance with paragraph 6(5); or
 - (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

Carer premium

9. (1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance.
- (2) Where a carer premium has been awarded but—
- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
 - (b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance,
- this paragraph is to be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).
- (3) The relevant date for the purposes of sub-paragraph (2) is—
- (a) in a case within sub-paragraph (2)(a), the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the date occurred on a Sunday);
 - (b) in a case within sub-paragraph (2)(b), the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.
- (4) For the purposes of this paragraph, a person is to be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which a payment is made in lieu of an award.

Persons in receipt of concessionary payments

10. For the purpose of determining whether a premium is applicable to a person under paragraphs 6 to 9, any concessionary payment made to compensate that person for the non- payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

Person in receipt of benefit

11. For the purposes of this Part of this Schedule, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and is to be so regarded only for any period in respect of which that benefit is paid.

PART 4

Amounts of premium specified in Part 3

12. (1) Severe Disability Premium—

Provision	Amount
(a) where the applicant satisfies the condition in paragraph 6(2)(a)	(a) £ ~~58.20~~ <u>61.10</u> ;
(b) where the applicant satisfies the condition in paragraph 6(2)(b)—	(b)
(i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 6(7);	(i) £ ~~58.20~~ <u>61.10</u>
(ii) in a case where there is no one in receipt of such an allowance	(ii) £ ~~116.40~~ <u>122.20</u> .
(2) Enhanced disability premium	(2) £ ~~22.89~~ <u>24.08</u> in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.
(3) Disabled Child Premium.	(3) £ ~~56.63~~ <u>59.50</u> in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium.	(4) £ ~~32.60~~ <u>34.20</u> in respect of each person who satisfies the condition specified in paragraph 9.

SCHEDULE 3

Applicable amounts: persons who are not pensioners

PART 1

Personal allowances

1. The amounts specified in column (2) below in respect of each person or couple specified in column (1) are the amounts specified for the purposes of paragraphs 26(1)(a) and 27(1)(a) and (b)—

Column (1) Person or couple	Column (2) Amount
(1) A single applicant who—	(1)
(a) is entitled to main phase employment and support allowance;	(a) ~~£71.00~~ <u>72.40</u> ;
(b) is aged not less than 25	(b) ~~£71.00~~ <u>72.40</u> ;
(c) is aged not less than 18 but less than 25	(c) ~~£56.25~~ <u>57.35</u> .
(2) Lone parent.	(2) ~~£71.00~~ <u>72.40</u> .
(3) Couple.	(3) ~~£111.45~~ <u>113.70</u> .

2. or the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if—
- (a) paragraph 18 is satisfied in relation to the applicant; or
- (b) the applicant is entitled to a converted employment and support allowance.

3. 1) The amounts specified in column (2) below in respect of each person specified in column (1) are, for the relevant period specified in column (1), the amounts specified for the purposes of paragraphs 26(1)(b) and 27(1)(c)—

Column (1) Child or Young person	Column (2) Amount
Person in respect of the period—	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	~~£64.99~~ <u>66.33</u>
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	~~£64.99~~ <u>66.33</u>

(2) In column (1) of the table in sub-paragraph (1), "the first Monday in September" means the Monday which first occurs in the month of September in any year.

PART 2

Family premium

4. (1) The amount for the purposes of paragraphs 26(1)(c) and 27(1)(d) in respect of a family of which at least one member is a child or young person is—
- (a) where the applicant is a lone parent to whom sub-paragraph (2) applies, £22.20; (b) in any other case, £17.~~45~~40.
- (2) The amount in sub-paragraph (1)(a) is applicable to a lone parent—
- (a) who was entitled to council tax benefit on 5th April 1998 and whose applicable amount on that date included the amount applicable under paragraph 3(1)(a) of Schedule 1 to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 as in force on that date; or
 - (b) on becoming entitled to council tax benefit where that lone parent—
 - (i) had been treated as entitled to that benefit in accordance with sub-paragraph (3) as at the day before the date of claim for that benefit; and
 - (ii) was entitled to housing benefit as at the date of claim for council tax benefit or would have been entitled to housing benefit as at that date had that day not fallen during a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006,
- and in respect of whom, all of the conditions specified in sub-paragraph (3) have continued to apply.
- (3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on 6th April 1998—
- (a) the applicant has not ceased to be entitled, or has not ceased to be treated as entitled, to
 - (i) council tax benefit (in relation to the period prior to 1st April 2013), and
 - (ii) a reduction under this scheme (in relation to the period commencing on 1st April 2013);
 - (b) the applicant has not ceased to be a lone parent;
 - (c) where the applicant was entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has continuously, since that date, been entitled to income support, an income-based jobseeker's allowance or income-related employment and support allowance or a combination of those benefits;
 - (d) where the applicant was not entitled to income support or to an

income-based jobseeker's allowance on 5th April 1998, he has not become entitled to income support, an income-based jobseeker's allowance or an income-related employment and support allowance; and

- (e) a premium under paragraph 9 or a component under paragraph 21 or 22 has not become applicable to the applicant.

(4) For the purposes of sub-paragraphs (2)(b)(i) and (3)(a), an applicant is to be treated as entitled to council tax benefit during any period where he was not, or had ceased to be, so entitled and—

- (a) throughout that period, he had been awarded housing benefit and his applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 3 to the Housing Benefit Regulations 2006 (lone parent rate of family premium); or
- (b) he would have been awarded housing benefit during that period had that period not been a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006 and his applicable amount throughout that period would have included the amount applicable under paragraph 3(1)(a) of Schedule 3 to those Regulations.

PART 3

Premiums

- 5. Except as provided in paragraph 6, the premiums specified in Part 4 are, for the purposes of paragraphs 26(1)(d) and 27(1)(e) (premiums), applicable to an applicant who satisfies the condition specified in paragraphs 9 to 14 in respect of that premium.
- 6. Subject to paragraph 7, where an applicant satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium is applicable to him and, if they are different amounts, the higher or highest amount applies.
- 7. The following premiums, namely—
 - (a) a severe disability premium to which paragraph 11 applies;
 - (b) an enhanced disability premium to which paragraph 12 applies; (c) a disabled child premium to which paragraph 13 applies; and (d) a carer premium to which paragraph 14 applies,may be applicable in addition to any other premium which may apply under this Schedule.
- 8. (1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person is to be treated as being in receipt of any benefit for—

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979^(a) applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973 or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 14, a person is to be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable under Part 4 of the Welfare Reform Act 2012.

Disability premium

9. The condition is that—

- (a) where the applicant is a single applicant or a lone parent, he has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10 is satisfied; or
- (b) where the applicant has a partner, either—
 - (i) the applicant has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) or (b) is satisfied by him; or
 - (ii) his partner has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) is satisfied by his partner

Additional condition for the disability premium

10. (1) Subject to sub-paragraph (2) and paragraph 8, the additional condition referred to in paragraph 9 is that either—

(a) S.I. 1979/597.

- (a) the applicant or, as the case may be, his partner—
- (i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, personal independence payment, an AFIP, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002^(a), mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in the case of long-term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or
 - (ii) was in receipt of long-term incapacity benefit under Part 2 of the SSCBA when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and the applicant remained continuously entitled to—
 - (aa) council tax benefit (in relation to the period prior to 1st April 2013, and
 - (bb) a reduction under this scheme (in relation to the period commencing on 1st April 2013), and

if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or

- (iii) was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges); or
- (iv) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges); or
- (v) was in receipt of an AFIP, but payment has been suspended in accordance with any terms of the armed and reserve forces compensation scheme which allow for suspension because a person is undergoing medical treatment in a hospital or similar institution; or

(a) S.I. 2002/2005

- (vi) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006^(a) or under section 46 of the National Health Service (Scotland) Act 1978^(b) or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972^(c); or
 - (vii) is blind and in consequence registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- (b) the applicant—
- (i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and
 - (ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
 - (aa) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;
 - (bb) In any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(vii), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he is, on again becoming so incapable of work, immediately thereafter to be treated as satisfying the condition in sub-paragraph (1)(b).

- (4) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, he is to continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(a) 2006 c.41; paragraph 9 has been amended by sections 17(10) of the Health and Social Care Act 2012 (c.7) (to replace references to the Secretary of State with references to clinical commissioning groups), but those provisions are not yet fully in force.

(b) 1978 c.29.

(c) S.I. 1972/1265 (N.I. 14).

(5) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods are to be treated as one continuous period.

(6) For the purposes of this paragraph, a reference to a person who is or was in receipt of long- term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short- term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

(7) In the case of an applicant who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA)—

- (a) the reference to a period of 8 weeks in sub-paragraph (3); and
- (b) the reference to a period of 56 days in sub-paragraph (5),

in each case is to be treated as a reference to a period of 104 weeks.

(8) The applicant is not entitled to the disability premium if he has, or is treated as having, limited capability for work.

Severe disability premium

11. (1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if—

- (a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—
 - (i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and
 - (ii) subject to sub-paragraph (4), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
 - (iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA in respect of caring for him;
- (b) in the case of an applicant who has a partner—
 - (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or

middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and

- (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance; and
- (ii) subject to sub-paragraph (4), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance in respect of caring for either member of a couple or any partner of a polygamous marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 10(1)(a)(v) and (2), that partner is to be treated for the purposes of sub-paragraph (2)(b)(ii) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—

- (a) a person receiving attendance allowance, or disability living allowance by virtue of the care component at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012; or
- (b) a person who is blind or is treated as blind within the meaning of paragraph 10(1)(a)(v) and (2).

(5) For the purposes of sub-paragraph (2)(b) a person is to be treated—

- (a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
- (b) as being entitled to and in receipt of a carer's allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.

(6) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on

which the award is first paid.

(7) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer's allowance include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001^(a) (loss of benefit provisions).

Enhanced disability premium

12. (1) Subject to sub-paragraph (2), the condition is that—

- (a) the Secretary of State has decided that the applicant has, or is to be treated as having, limited capability for work-related activity; or
- (b) the care component of disability living allowance is, or would be payable at the highest rate prescribed under section 72(3) of the SSCBA, but for a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation be payable at the highest rate prescribed under section 72(3) of the SSCBA in respect of—
 - (i) the applicant; or
 - (ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit; or

- (c) the daily living component of personal independence payment is, or would be payable at either rate under Part 4 of the Welfare Reform Act 2012, but for a suspension of benefit in accordance with section 86 of the Welfare Reform Act 2012 in respect of—
 - (i) the applicant; or
 - (ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

(3) The condition is not satisfied if the person to whom sub-paragraph (1) refers is—

- (a) an applicant who—
 - (i) is not a member of a couple or a polygamous marriage; and
 - (ii) is a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges) and has been for a period of more than 52 weeks; or

(a) 2001 c.11.

- (b) a member of a couple or a polygamous marriage where each member is a patient within the meaning of paragraph 58(11)(i) and has been for a period of more than 52 weeks.

Disabled child premium

13. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—
- (a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or
 - (b) is blind or treated as blind within the meaning of paragraph 10; or
 - (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

Carer premium

14. (1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the SSCBA.
- (2) Where a carer premium is awarded but—
- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
 - (b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled to a carer's allowance,

the condition for the award of the premium is to be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

- (3) The relevant date for the purposes of sub-paragraph (2) is—

- (a) where sub-paragraph (2)(a) applies, the Sunday following the death of the person in respect of whose care a carer's allowance has been awarded or the date of death if the death occurred on a Sunday;
- (b) in any other case, the date on which the person who has been entitled to a carer's allowance ceases to be entitled to that allowance.

- (4) Where a person who has been entitled to a carer's allowance ceases to be entitled to that allowance and makes an application for a

reduction, the condition for the award of the carer premium is to be treated as satisfied for a period of eight weeks from the date on which—

- (a) the person in respect of whose care the carer's allowance has been awarded dies; or
- (b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

Persons in receipt of concessionary payments

- 15.** For the purpose of determining whether a premium is applicable to a person under paragraphs 10 to 14, any concessionary payment made to compensate that person for the non- payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

- 16.** For the purposes of this Part of this Schedule, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and is to be so regarded only for any period in respect of which that benefit is paid.

PART 4

Amounts of Premiums Specified in Part 3

- 17.** (1) Disability Premium—

Premium	Amount	
(a) where the applicant satisfies the condition in paragraph 9(a);	(a) ~~£30.35~~ <u>£31.85</u> ;	
(b) where the applicant satisfies the condition in paragraph 9(b).	(b) ~~43.25~~ <u>45.40</u> .	
(2) Severe Disability Premium—	(2)	
(a) where the applicant satisfies the condition in paragraph 11(2)(a);	(a) ~~£58.20~~ <u>£61.10</u> ;	
(b) where the applicant satisfies the condition in paragraph 11(2)(b)—		
(i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 11(5);	(b)(i) ~~£58.20~~ <u>£61.10</u> ;	
(ii) in a case where there is no one in receipt of such an allowance.	(b)(ii) ~~£116.40~~ <u>£122.20</u>	
(3) Disabled Child Premium	(3) ~~£56.63~~ <u>£59.50</u> in respect of each child or young person in respect of whom the condition specified in	

(4) Carer Premium.	paragraph 13 is satisfied. (4) £ ~~32.60~~ <u>34.20</u> in respect of each person who satisfies the condition specified in paragraph 14.
(5) Enhanced disability premium	(5) (a) £ ~~22.89~~ <u>24.08</u> in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied; (b) £ ~~14.80~~ <u>15.55</u> in respect of each person who is neither— (i) a child or young person; nor (ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 12 are satisfied; (c) £ ~~21.30~~ <u>22.35</u> where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 12 are satisfied in respect of a member of that couple or polygamous marriage.

PART 5

The components

18. Subject to paragraph 20 the applicant is entitled to one, but not both, of the components in paragraph 21 or 22 if—
- (a) the applicant or the applicant's partner has made a claim for employment and support allowance;
 - (b) the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and
 - (c) either—
 - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
 - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does not apply) applies.
19. Subject to paragraph 20, the applicant is entitled to one, but not both, of the components in paragraphs 21 and 22 if the applicant or his partner is entitled to a converted employment and support allowance.

20. (1) The applicant has no entitlement under paragraph 21 or 22 if the applicant is entitled to the disability premium under paragraphs 9 and 10.

(2) Where the applicant and the applicant's partner each satisfies paragraph 21 or 22, the component to be included in the applicant's applicable amount is that which relates to the applicant.

The work-related activity component

21. The applicant is entitled to the work-related activity component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work.

The support component

22. The applicant is entitled to the support component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work-related activity.

PART 6

Amount of Components

23. The amount of the work-related activity component is ~~£28.45~~£28.75. |

24. The amount of the support component is ~~£34.05~~£35.75. |

PART 7

Transitional Addition

25. (1) The applicant is entitled to the transitional addition calculated in accordance with paragraph 28 where the applicant or the applicant's partner ("the relevant person")—
- (a) is entitled to a converted employment and support allowance; or
 - (b) is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2008 and—
 - (i) is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2008; and
 - (ii) is not in receipt of an income-related employment and support allowance,

unless the amount of the transitional addition calculated in accordance

with paragraph 28 would be nil.

(2) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of reduction under this scheme;
- (c) the relevant person ceasing to meet the requirements of sub-paragraph (1)(a) or (b), as the case may be;
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

26. (1) This paragraph applies where—

- (a) the applicant's entitlement to a transitional addition ends, by virtue of the termination of the applicant's award of reduction, under—
 - (i) paragraph 25(2)(b);
 - (ii) sub-paragraph (3)(b); or
 - (iii) paragraph 27(3)(b);
- (b) within 12 weeks of that termination but before 5th April 2020 the applicant again becomes entitled to a reduction under this scheme;
- (c) in the reduction week in which the applicant again becomes entitled to a reduction under this scheme the relevant person is entitled to an employment and support allowance which is not income-related; and
- (d) at the date on which the applicant again becomes entitled to a reduction under this scheme, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day on which the applicant again becomes entitled to a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of a reduction under this

- scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(c);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

27. (1) This paragraph applies where—

- (a) the applicant's entitlement to a transitional addition ends, by virtue of the relevant person ceasing to be entitled to an employment and support allowance, under—
 - (i) paragraph 25(2)(c);
 - (ii) paragraph 26(3)(c); or
 - (iii) sub-paragraph (3)(c);
- (b) before 5th April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;
- (c) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related regulation 145(1) of the Employment and Support Allowance Regulations 2008 applies to the relevant person; and
- (d) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day that the relevant person's entitlement to employment and support allowance takes effect for the purposes of a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(b);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-

- based jobseeker's allowance or income support;
(e) 5th April 2020.

PART 8

Amount of Transitional Addition

- 28.** (1) Subject to paragraph 29, the amount of the transitional addition is the amount by which Amount A exceeds Amount B.
- (2) Where a conversion decision as described in regulation 5(2)(a) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 ("the 2010 Regulations") is made in respect of the relevant person—
- (a) Amount A is the basic amount that would have applied on the day that decision took effect had that decision not been made; and
- (b) Amount B is the basic amount that applied on that day as a result of that decision.
- (3) Where the relevant person is appealing a conversion decision as described in regulation 5(2)(b) of the 2010 Regulations and is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the 2010 Regulations—
- (a) Amount A is the basic amount that would have applied on the day the relevant person was first treated as having limited capability for work if the relevant person had not been so treated; and
- (b) Amount B is the basic amount that applied on that day as a result of the relevant person being so treated.
- (4) In this paragraph and paragraph 29, "basic amount" means the aggregate of such amounts as may apply in the applicant's case in accordance with paragraph 26(1)(a) to (e) or paragraph 27(1)(a) to (f) (applicable amounts).
- 29.** (1) Subject to sub-paragraph (2), where there is a change of circumstances which leads to an increase in the applicant's basic amount, the transitional addition that applies immediately before the change of circumstances must be reduced by the amount by which Amount C exceeds Amount D.
- (2) If Amount C exceeds Amount D by more than the amount of the transitional addition that applies immediately before the change of circumstances, that transitional addition must be reduced to nil.
- (3) Amount C is the basic amount that applies as a result of the increase.
- (4) Amount D is the basic amount that applied immediately before the increase.

Amount of alternative maximum council tax reduction: pensioners and persons who are not pensioners

1. (1) Subject to paragraphs 2 and 3, the alternative maximum council tax reduction in respect of a day for the purpose of paragraph 31 (alternative maximum council tax reduction: pensioners and persons who are not pensioners) is determined in accordance with the following Table and in this Table—

- (a) “second adult” means any person or persons residing with the applicant to whom paragraph 15(2) (class C) or 18(2) (class F) (as the case may be) applies; and
- (b) “persons to whom paragraph 75(1) of this scheme applies” includes any person to whom that paragraph would apply were they, and their partner if they had one, below the qualifying age for state pension credit and a class of person described in sub para (1)(a)

(2) In this Schedule “council tax due in respect of that day” means the council tax payable under section 10 of the 1992 Act less—

- (a) any reductions made in consequence of any enactment in, or under, the 1992 Act (other than a reduction under this scheme); and
- (b) in a case to which sub-paragraph (c) in column (1) of the table below applies, the amount of any discount which may be appropriate to the dwelling under the 1992 Act.

(1) Second adult	(2) Alternative maximum council tax reduction
(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;	(a) 25 per cent of the council tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance—	(b)
(i) is less than £ ~~180.00~~ <u>185.00</u> per week;	(i) 15 per cent of the council tax due in respect of that day
(ii) is not less than £ ~~180.00~~ <u>185.00</u> per week but less than £ ~~231.00~~ <u>241.00</u> per week;	(ii) 7.5 per cent of the council tax due in respect of that day;
(c) where the dwelling would be wholly	(c) 100 per cent of the council tax due in

occupied by one or more persons to whom paragraph 75(1) of this scheme applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income based jobseeker's allowance. respect of that day.

2. In determining a second adult's gross income for the purposes of this Schedule, the following must be disregarded from that income—

- (a) any attendance allowance, any disability living allowance, any personal independence payment under Part 4 of the Welfare Reform Act 2012 or an AFIP;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
- (c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

3. Where there are two or more second adults residing with the applicant for a reduction under this scheme and any such second adult falls to be disregarded for the purposes of discount in accordance with Schedule 1 to the 1992 Act, his income must be disregarded in determining the amount of any alternative maximum council tax reduction, unless that second adult is a member of a couple and his partner does not fall to be disregarded for the purposes of discount.

SCHEDULE 5

Sums disregarded from applicant's earnings: pensioners

1. Where two or more of paragraphs 2 to 5 apply in any particular case the overall maximum sum which falls to be disregarded in that case under those paragraphs is restricted to—
 - (a) £25 in the case of a lone parent;
 - (b) £20 in any other case.
 2. In a case where an applicant is a lone parent, £25 of earnings.
 3. (1) In a case of earnings from any employment or employments to which sub-paragraph (2) applies, £20.
(2) This paragraph applies to employment—
 - (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
 - (b) a part-time fire-fighter employed by [the Scottish Fire and Rescue Service established under section 1A of the a fire and rescue authority \(as defined in section 1 of the Fire \(Scotland\) Act 2005](#)^(a) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
 - (c) as an auxiliary coastguard in respect of coast rescue activities;
 - (d) in the manning or launching of a lifeboat if the employment is part-time;
 - (e) as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001.
(3) If—
 - (a) any of the earnings of the applicant or, if he has a partner, his partner, or both of them, are disregarded under sub-paragraph (1); and
 - (b) either of them has, or both of them have, other earnings,so much of those other earnings as would not, in the aggregate with the earnings disregarded under that sub-paragraph, exceed £20.
 4. (1) If the applicant or, if he has a partner, his partner is a carer, or both are carers, £20 of any earnings received from his or their employment.
(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.
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- (a) 2005 asp 5. [Section 1A was inserted by section 101 \(1\) of the Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\).](#)

(3) In this paragraph the applicant or his partner is a carer if paragraph 14 of Part 3 of Schedule 3 (amount applicable for carers) is satisfied in respect of him.

5. (1) £20 is disregarded if the applicant or, if he has a partner, his partner—

(a) is in receipt of—

- (i) long-term incapacity benefit under section 30A of the SSCBA;
- (ii) severe disablement allowance under section 68 of that Act;
- (iii) attendance allowance under sections 64 of that Act;
- (iv) disability living allowance;
- (v) personal independence payment;
- (vi) an AFIP;
- (vii) any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983;
- (viii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or
- (ix) main phase employment and support allowance; or

(b) is or are registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(c) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work), and has been incapable, or has been treated as incapable, of work for a continuous period of not less than—

- (i) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the Act, 196 days;
- (ii) in any other case, 364 days; or

(d) has, or is treated as having, limited capacity for work within the meaning of section 1(4) of the Welfare Reform Act 1997 or limited capability for work-related activity within the meaning of section 2(5) of that Act and either—

- (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
- (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arising does not apply) applies.

(2) Subject to sub-paragraph (3), £20 is disregarded if the applicant or, if he has a partner, his partner has, within a period of 8 weeks ending on the day in respect of which the applicant or his partner attains the qualifying age for state pension credit, had an award of housing benefit or council tax benefit or been in receipt of a reduction under this scheme and—

- (a) £20 was disregarded in respect of earnings taken into account in that award; and
- (b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.

(3) The disregard of £20 specified in sub-paragraph (2) applies so long as there is no break, other than a break which does not exceed 8 weeks, in a person's—

- (a) entitlement to housing benefit; or
- (b) receipt of a reduction under a council tax reduction scheme; or
- (c) employment,

following the first day in respect of which that benefit is awarded under this scheme.

(4) £20 is the maximum amount which may be disregarded under this paragraph, notwithstanding that, where the applicant has a partner, both the applicant and his partner satisfy the requirements of this paragraph.

6. (1) Where—

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 35 (applicant in receipt of guarantee credit: pensioners) does not apply, the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 1 to 5 and 8 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 2, then paragraph 2 applies instead of this paragraph.

(3) Notwithstanding paragraph 33 (calculation of income and capital of members applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ("A") it does not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there is also to be disregarded so much of B's earnings as would not when aggregated

with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance;
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) "Exempt work" means work of the kind described in—

- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008; or (as the case may be); or
- (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

7. Any amount or the balance of any amount which would fall to be disregarded under paragraph 18 or 19 of Schedule 6 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full amount disregarded thereunder.
8. Except where the applicant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule—
 - (a) £5 is to be disregarded if an applicant who has no partner has earnings;
 - (b) £10 is to be disregarded if an applicant who has a partner has earnings.
9. Any earnings, other than earnings referred to in paragraph 40(9)(b), derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to a reduction under this scheme.
10. (1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or

exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under this Schedule is to be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

- (a) the applicant, or if he has a partner, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or
- (b) the applicant—
 - (i) is, or any partner of his is, aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
 - (ii) if he is a member of a couple—
 - (aa) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and
 - (bb) his applicable amount includes a family premium under paragraph 3 of Schedule 2; or
 - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
 - (iv) is, or if he has a partner, one of them is, engaged in remunerative work for on average not less than 16 hours per week and paragraph 5(1) above is satisfied in respect of that person.

(3) The following are the amounts referred to in sub-paragraph (1)—

- (a) any amount disregarded under this Schedule;
- (b) the amount of child care charges calculated as deductible under paragraph 57(1)(c) (deductions from income of certain child care charges); and
- (c) £17.10.

(4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph was a reference to 30 hours.

- 11.** Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting to that payment into Sterling.

Amounts to be disregarded in the calculation of income other than earnings: pensioners

1. In addition to any sum which falls to be disregarded in accordance with paragraphs 2 to 6, £10 of any of the following—
 - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 2 or 3);
 - (b) a war widow's pension or war widower's pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011^(a), so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.
2. The whole of any amount included in a pension to which paragraph 1 relates in respect of—
 - (a) the applicant's need for constant attendance;
 - (b) the applicant's exceptionally severe disablement.
3. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.

(a) S.I. 2011/517.

4. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
5. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
6. (1) Any payment which is—
 - (a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31st March 1973; and
 - (b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph “the Dispensing Instruments” means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).
7. £15 of any widowed parent’s allowance to which the applicant is entitled under section 39A of the SSCBA.
8. £15 of any widowed mother’s allowance to which the applicant is entitled under section 37 of the SSCBA.
9. Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to—
 - (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent. of such payments; or
 - (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent. of the excess over £20.
10. If the applicant—
 - (a) owns the freehold or leasehold interest in any property or is a tenant of any property; and

- (b) occupies a part of that property; and
- (c) has an agreement with another person allowing that person to occupy another part of that property on payment of rent and—
 - (i) the amount paid by that person is less than £20 per week, the whole of that amount; or
 - (ii) the amount paid is £20 or more per week, £20.

11. Where an applicant receives income under an annuity purchased with a loan, which satisfies the following conditions—

- (a) that the loan was made as part of a scheme under which not less than 90 per cent. of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;
- (b) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65;
- (c) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling;
- (d) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid; and
- (e) that the interest payable on the loan is paid by the person to whom the loan was made or by one of the annuitants,

the amount, calculated on a weekly basis, equal to—

- (i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;
- (ii) in any other case, the interest which is payable on the loan without deduction of such a sum.

12. (1) Any payment, other than a payment to which sub-paragraph (2) applies, made to the applicant by Trustees in exercise of a discretion exercisable by them.

(2) This sub-paragraph applies to payments made to the applicant by Trustees in exercise of a discretion exercisable by them for the purpose of—

- (a) obtaining food, ordinary clothing or footwear or household fuel;
- (b) the payment of rent, council tax or water charges for which that applicant or his partner is liable;
- (c) meeting housing costs of a kind specified in Schedule 2 to the State Pension Credit Regulations 2002.

(3) In a case to which sub-paragraph (2) applies, £20 or—

- (a) if the payment is less than £20, the whole payment;
- (b) if, in the applicant's case, £10 is disregarded in accordance with paragraph 1(a) to (g), £10 or the whole payment if it is less than £10; or
- (c) if, in the applicant's case, £15 is disregarded under paragraph 7 or paragraph 8 and—
 - (i) he has no disregard under paragraph 1(a) to (g), £5 or the whole payment if it is less than £5;
 - (ii) he has a disregard under paragraph 1(a) to (g), nil.

(4) For the purposes of this paragraph, "ordinary clothing or footwear" means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

- 13. Any increase in pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 paid in respect of a dependent other than the pensioner's partner.
- 14. Any payment ordered by a court to be made to the applicant or the applicant's partner in consequence of any accident, injury or disease suffered by the person or a child of the person to or in respect of whom the payments are made.
- 15. Periodic payments made to the applicant or the applicant's partner under an agreement entered into in settlement of a claim made by the applicant or, as the case may be, the applicant's partner for an injury suffered by him.
- 16. Any income which is payable outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
- 17. Any banking charges or commission payable in converting to Sterling payments of income made in a currency other than Sterling.
- 18. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—
 - (a) under, or pursuant to regulations made under powers conferred by, section 22 of the Teaching and Higher Education Act 1998, that student's award;
 - (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by

- section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student's student loan,

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

19. (1) Where the applicant is the parent of a student aged under 25 in advanced education who either—
- (a) is not in receipt of any award, grant or student loan in respect of that education; or
- (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 18, an amount specified in sub- paragraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount is to be equal to—

- (a) the weekly amount of the payments; or
- (b) ~~£57.35 the amount by way of a personal allowance for a single applicant under 25~~ less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),

whichever is less.

20. (1) Where an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by the applicant's spouse, civil partner, former spouse or former civil partner or the applicant's partner's spouse, civil partner, former spouse, or former civil partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.

21. Except in a case which falls under paragraph 10 of Schedule 5, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

22. Where the total value of any capital specified in Part 2 (capital

disregarded only for the purposes of determining deemed income) of Schedule 9 does not exceed £10,000, any income actually derived from such capital.

- 23.** Except in the case of income from capital specified in Part 2 of Schedule 9, any actual income from capital.
- 24.** Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.

SCHEDULE 6A

Amounts to be disregarded in the calculation of income other than earnings: pensioners where a reduction applies under S13A(1)(c) LGFA 1992

1. Further to the disregarded items within Schedule 6, any payment of any of the following, namely:-
 - (a) a war disablement pension; and
 - (b) a war widow's pension or war widower's pension; as defined by the Schedule of The Housing Benefit and Council Tax Benefit (War Pensions Disregards) Regulations 2007 (as amended by SI 2010/2449)
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding subparagraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in paragraphs (a) to (d) above;
 - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

Sums disregarded in the calculation of earnings: persons who are not pensioners

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—

(a) where—

- (i) the employment has been terminated because of retirement; and
- (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,

any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;

(b) where before the first day of entitlement to a reduction under this scheme the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—

(i) any payment of the nature described in—

- (aa) paragraph 51(1)(e) (retainer), or
- (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and

(ii) any award, sum or payment of the nature described in—

- (aa) paragraph 51(1)(g) or (i) (compensation etc. relating to employment), or
- (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),

including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;

(c) where before the first day of entitlement to a reduction under this scheme—

- (i) the employment has not been terminated, but
- (ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph (b)(i)

or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc.).

2. In the case of an applicant who, before the first day of entitlement to a reduction under this scheme—

- (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
- (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,

any earnings paid or due to be paid in respect of that employment except—

- (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
- (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc.).

3. In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain, would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment, any earnings derived from that employment except earnings to which paragraph 53(3) and (4) (earnings of self-employed earners) apply.

4. (1) In a case to which this paragraph applies and paragraph 5 does not apply, £20; but notwithstanding paragraph 33 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it does not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.

(2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component under Schedule 3 (applicable amounts: persons who are not pensioners).

(3) This paragraph applies where—

- (a) the applicant is a member of a couple and his applicable amount includes an amount by way of the disability premium under Schedule 3; and
- (b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.

5. In a case where the applicant is a lone parent, £25.

6. (1) In a case to which neither paragraph 4 nor paragraph 5 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium under

Schedule 3 (applicable amounts: persons who are not pensioners), £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with paragraph 14(2) of that Schedule as being in receipt of carer's allowance.

(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.

7. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment—
 - (a) specified in paragraph 9(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 6 exceed £20;
 - (b) other than one specified in paragraph 9(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
8. In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.
9. (1) In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant, £20 of earnings derived from one or more employments as—
 - (a) a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(a) or a scheme to which section 4 of that Act applies;
 - (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
 - (c) an auxiliary coastguard in respect of coast rescue activities;
 - (d) a person engaged part-time in the manning or launching of a life boat;
 - (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this

paragraph applies to an applicant it must not apply to his partner except to the extent specified in sub-paragraph (2).

(2) If the applicant's partner is engaged in employment—

- (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
- (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.

10. Where the applicant is engaged in one or more employments specified in paragraph 9(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment, so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 9 exceed £20.

11. In a case to which none of the paragraphs 4 to 10 applies, £5.

12. (1) Where—

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 14 does not apply,

the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 4 to 11 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 5, then paragraph 5 applies instead of this paragraph.

(3) Notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ("A") it does not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(a) 2004 c.21.

(4) Where A's earnings are less than the specified amount, there must also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance; or
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) "Exempt work" means work of the kind described in—

- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008; or (as the case may be)
- (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

- 13. Any amount or the balance of any amount which would fall to be disregarded under paragraph 23 or 24 of Schedule 8 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.
- 14. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.
- 15. Any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.
- 16. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.
- 17. Any earnings of a child or young person.

18. (1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 4 to 12 must be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

- (a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or
- (b) the applicant—
 - (i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
 - (ii) is a member of a couple and—
 - (aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
 - (bb) his applicable amount includes a family premium under paragraph 4 of Schedule 3; or
 - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
 - (iii) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and—
 - (aa) the applicant's applicable amount includes a disability premium under paragraph 9, the work-related activity component under paragraph 21 or the support component under paragraph 22 of Schedule 3 respectively;
 - (bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in paragraph (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or
- (c) the applicant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.

(3) The following are the amounts referred to in sub-paragraph (1)—

- (a) the amount calculated as disregardable from the applicant's earnings under paragraphs 4 to 12;

- (b) the amount of child care charges calculated as deductible under paragraph 57(1)(c); and
- (c) £17.10.

(4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph were a reference to 30 hours.

- 19.** In this Schedule “part-time employment” means employment in which the person is engaged on average for less than 16 hours a week.

**Sums disregarded in the calculation of income other than earnings:
persons who are not pensioners**

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Pilot Scheme.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme.
4. Any amount paid by way of tax on income which is to be taken into account under regulation 30 (calculation of income other than earnings).
5. Any payment in respect of any expenses incurred or to be incurred by an applicant who is—
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) a volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 56(5) (notional income: persons who are not pensioners).
6. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
7. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
8. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his income.
9. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.

10. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999(a) as in force at that date, the whole of his income.
11. Any disability living allowance, personal independence payment or an AFIP.
12. Any concessionary payment made to compensate for the non-payment of—
 - (a) any payment specified in paragraph 11 or 14;
 - (b) income support;
 - (c) an income-based jobseeker's allowance;
 - (d) an income-related employment and support allowance.
13. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
14. Any attendance allowance.
15. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
16. (1) Any payment—
 - (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc.);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
 - (b) corresponding to such an education maintenance allowance, made pursuant to—
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or

(a) S.I. 1999/2734.

- (ii) regulations made under section 181 of that Act; or
- (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—

- (a) regulations made under section 518 of the Education Act 1996;
- (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
- (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

- 17. Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 18. (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990(a) except a payment—
 - (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
 - (b) of an allowance referred to in section 2(3) of the Employment and Training Act 1973 or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(a) 1990 c.35.

19. (1) Subject to sub-paragraph (2), any of the following payments—

- (a) a charitable payment;
- (b) a voluntary payment;
- (c) a payment (not falling within paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
- (d) a payment under an annuity purchased—
 - (i) pursuant to any agreement or court order to make payments to the applicant; or
 - (ii) from funds derived from a payment made,

in consequence of any personal injury to the applicant; or

- (e) a payment (not falling within paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.

(2) Sub-paragraph (1) does not apply to a payment which is made or due to be made by—

- (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
- (b) the parent of a child or young person where that child or young person is a member of the applicant's family.

20. Subject to paragraph 40, £10 of any of the following, namely—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 13 or 14);
- (b) a war widow's pension or war widower's pension;
- (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (d) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 31(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in paragraphs (a) to (d) above;
- (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of

Germany, or any part of it, or of the Republic of Austria.

21. Subject to paragraph 40, £15 of any—

- (a) widowed mother's allowance paid pursuant to section 37 of the SSCBA;
- (b) widowed parent's allowance paid pursuant to section 39A of the SSCBA.

22. (1) Any income derived from capital to which the applicant is or is treated under paragraph 70 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17 or 30 to 33 of Schedule 10.

(2) Income derived from capital disregarded under paragraphs 5, 7 or 30 to 33 of Schedule 10 but only to the extent of—

- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
- (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.

(3) The definition of "water charges" in paragraph 2(1) (interpretation) applies to sub-paragraph (2) of this paragraph with the omission of the words "in so far as such charges are in respect of the dwelling which a person occupies as his home".

23. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—

- (a) under, or pursuant to regulations made under powers conferred by, section 22 of the Teaching and Higher Education Act 1998, that student's award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student's student loan,

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

24. (1) Where the applicant is the parent of a student aged under 25 in advanced education who either—

- (a) is not in receipt of any award, grant or student loan in respect of that

- education; or
- (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 23, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount must be equal to—

- (a) the weekly amount of the payments; or
- (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b), whichever is less.

25. Any payment made to the applicant by a child or young person or a non-dependant.

26. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 25 or 27 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family—

- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
- (b) where the aggregate of any such payments is £20 or more per week, £20.

27. Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—

- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent of such payments;
- (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent of the excess over £20.

28. (1) Any income in kind, except where paragraph 54(10)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act 1999 in the calculation of income other than earnings) applies.

(2) The reference in sub-paragraph (1) to "income in kind" does not

include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.

- 29.** Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
- 30.** (1) Any payment made to the applicant in respect of a person who is a member of his family—
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(a) (schemes for payments of allowances to adopters) or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes);
 - (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 31.** Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made—
- (a) by a local authority under—
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
 - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).

(a) 2008 c.28.

32. Any payment made to the applicant or his partner for a person (“the person concerned”), who is not normally a member of the applicant’s household but is temporarily in his care, by—

- (a) a health authority;
- (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
- (c) a voluntary organisation;
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
- (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
- (f) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

33. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

34. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities’ duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person (“A”) which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A—

- (a) was formerly in the applicant’s care, and
- (b) is aged 18 or over, and
- (c) continues to live with the applicant.

35. (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments—

- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974^(a) or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.

(2) A payment referred to in sub-paragraph (1) is only to be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—

(a) 1974 c.39.

- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (1)(b); and
 - (b) meet any amount due by way of premiums on—
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
- 36.** Any payment of income which by virtue of paragraph 64 (income treated as capital: persons who are not pensioners) is to be treated as capital.
- 37.** Any—
- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
 - (b) occasional assistance.
- 38.** Any payment under Part 10 of the SSCBA (Christmas bonus for pensioners).
- 39.** Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 40.** The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 33(3) (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 77(2)(b) and paragraph 78(1)(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 81(2) (treatment of student loans), paragraph 82(3) (treatment of payments from access funds) and paragraphs 20 and 21 must in no case exceed £20 per week.
- 41.** (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time

- of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and

- (b) the payment is made either—
- (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

- 42.** Any housing benefit.
- 43.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
- 44.** Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
- 45.** Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax).
- 46.** (1) Any payment or repayment made—
- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).
- (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1).
- 47.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in

connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).

48. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.

49. (1) Where an applicant's applicable amount includes an amount by way of family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.

(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.

(3) A payment made by the Secretary of State in lieu of maintenance must, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

50. (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.

(2) In sub-paragraph (1)—

“child maintenance” means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under—

- (a) the Child Support Act 1991^(a);
- (b) the Child Support (Northern Ireland) Order 1991;
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

“liable relative” means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

51. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944^(b) to assist disabled persons to obtain or retain employment despite their disability.

(a) 1991 c.48.
(b) 1944 c.10.

- 52.** Any guardian's allowance.
- 53.** (1) If the applicant is in receipt of any benefit under Part 2, 3 or 5 of the SSCBA, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- (2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- 54.** Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
- 55.** In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
- 56.** (1) Any payment which is—
- (a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—
- (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
- (ii) whose service in such capacity terminated before 31st March 1973; and
- (b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.
- (2) In this paragraph "the Dispensing Instruments" means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).
- 57.** Any council tax benefit to which the applicant is entitled.
- 58.** Except in a case which falls under sub-paragraph (1) of paragraph 18 of Schedule 7, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

- 59.** Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
- 60.** (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—
- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
 - (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,

in respect of which such assistance is or was received.

(2) Sub-paragraph (1) applies only in respect of payments which are paid to that person from the special account.

- 61.** (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- (3) For the purposes of sub-paragraph (2) “food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

- 62.** Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker’s allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
- 63.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
- 64.** Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001(a).

(a) S. I. 2001/1167

65.—(1) Any payment made by a local authority or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) “local authority” includes, in England, a county council.

66. Any payment of child benefit.

SCHEDULE 8A

Sums disregarded in the calculation of income other than earnings: persons who are not pensioners

1. Further to the disregarded items within Schedule 8, any payment of any of the following, namely:-

- (a) a war disablement pension; and
- (b) a war widow's pension or war widower's pension;

as defined by the Schedule of The Housing Benefit and Council Tax Benefit (War Pensions Disregards) Regulations 2007 (as amended by SI 2010/2449)

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

Capital disregards: pensioners**PART 1****Capital to be disregarded**

1. Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
2. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.
3. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
4. Any premises occupied in whole or in part—
 - (a) by a person who is a relative of the applicant or his partner as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
6. Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner or the dissolution of a civil partnership with his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

7. Any premises where the applicant is taking reasonable steps to dispose of the whole of his interest in those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.
8. All personal possessions.
9. The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of those assets.
10. The assets of any business owned in whole or in part by the applicant if—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged (or, as the case may be, re-engaged) as a self-employed earner in that business as soon as he recovers or is able to become engaged, or re-engaged, in that business,

for a period of 26 weeks from the date on which the application for a reduction under this scheme is made or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

11. The surrender value of any policy of life insurance.
12. The value of any funeral plan contract; and for this purpose, “funeral plan contract” means a contract under which—
 - (a) the applicant makes one or more payments to another person (“the provider”);
 - (b) the provider undertakes to provide, or secure the provision of, a funeral in the United Kingdom for the applicant on his death; and
 - (c) the sole purpose of the plan is to provide or secure the provision of a funeral for the applicant on his death.
13. Where an ex-gratia payment has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—
 - (a) the applicant;
 - (b) the applicant’s partner;
 - (c) the applicant’s deceased spouse or deceased civil partner; or
 - (d) the applicant’s partner’s deceased spouse or deceased civil partner,

by the Japanese during the Second World War, an amount equal to that payment.

14. (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or an applicant's partner who is—

- (a) a diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the time of the diagnosed person's death; or
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending two years after that date.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or an applicant's partner who is—

- (a) the diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the date of the diagnosed person's death; or
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(4) Where a payment such as referred to in sub-paragraph (3) is made to—

- (a) a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which the payment is made and ending two years after that date.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home or an independent hospital.

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;

“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.

- 15.** The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant’s partner, the applicant’s deceased spouse or civil partner or the applicant’s partner’s deceased spouse or civil partner—

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died, during the Second World War.

- 16.** (1) Any payment made under or by—

- (a) the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or
- (b) the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of that person’s partner or former partner—

- (a) from whom he is not, or where that person has died was not, estranged or divorced, or
- (b) with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.

(4) Sub-paragraph (3) does not apply if—

- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or
- (b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if

either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child who is or had been a member of that person's household; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child or a student who has not completed his full-time education and has no parent or step-parent, to any person standing in the place of his parent,

but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts, where—

- (a) that person at the date of his death ("the relevant date") had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child who was or had been a member of his household; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the relevant date was a child or a student who had not completed his full-time education and had no parent or step-parent, to any person standing in place of his parent,

but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

17. (1) An amount equal to the amount of any payment made in consequence of any personal injury to the applicant or, if the applicant has a partner, to the partner.

(2) Where the whole or part of the payment is administered—

- (a) by the High Court or the County Court under Rule 21.11(1) of the

Civil Procedure Rules 1998, or the Court of Protection, or on behalf of a person where the payment can only be disposed of by order or direction of any such court;

- (b) in accordance with an order made under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or
- (c) in accordance with the terms of a trust established for the benefit of the applicant or his partner,

the whole of the amount so administered.

- 18. Any amount specified in paragraph 19, 20, 21 or 25 for a period of one year beginning with the date of receipt.
- 19. Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the applicant as his home and to his personal possessions.
- 20. So much of any amounts paid to the applicant or deposited in the applicant's name for the sole purpose of—
 - (a) purchasing premises which the applicant intends to occupy as his home; or
 - (b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the applicant as his home.
- 21. (1) Subject to paragraph 22 any amount paid—
 - (a) by way of arrears of benefit;
 - (b) by way of compensation for the late payment of benefit;
 - (c) in lieu of the payment of benefit;
 - (d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply;
 - (e) by a local authority out of funds provided under either section 93 of the Local Government Act 2000(a) under a scheme known as "Supporting People" or section 91 of the Housing (Scotland) Act 2001.
 - (f) by way of occasional assistance including arrears and payments in lieu of occasional assistance (and in this paragraph "occasional assistance" has the same meaning as in paragraph 16 of Schedule 1)
- (2) In sub-paragraph (1), "benefit" means—
 - (a) attendance allowance under section 64 of the Act;
 - (b) disability living allowance;
 - (c) personal independence payment;
 - (d) an AFIP;
 - (e) income support;
 - (f) income-based jobseeker's allowance;
 - (g) state pension credit;
 - (h) housing benefit;
 - (i) council tax benefit;

- (j) child tax credit;
- (k) an increase of a disablement pension under section 104 of the SSCBA (increase where constant attendance is needed), and any further increase of such a pension under section 105 of the Act (increase for exceptionally severe disablement);
- (l) any amount included on account of the applicant's exceptionally severe disablement or need for constant attendance in a war disablement pension or a war widow's or widower's pension;
- (m) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001
- (n) working tax credit;
- ~~or~~
- (o) income-related employment and support allowance; or
- (p) social fund payments under Part 8 of the SSCBA.

22. (1) Subject to sub-paragraph (3), any payment of £5,000 or more which has been made to rectify, or to compensate for, an official error relating to a relevant benefit and which has been received by the applicant in full on or after the day on which he became entitled to a reduction under this scheme.

(2) Subject to sub-paragraph (3), the total amount of any payments disregarded under—

- (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987;
- (b) paragraph 12(2) of Schedule 8 to the Jobseeker's Allowance Regulations 1996;
- (c) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006; (d) paragraph 20A of Schedule 5 to the State Pension Credit Regulations 2002,
- (e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations 2008,
- (f) paragraph 18 of Schedule 10 to the Universal Credit Regulations 2013 (b);

where the award in respect of which the payments last fell to be disregarded under those Regulations either terminated immediately before the relevant date or is still in existence at that date.

(3) Any disregard which applies under sub-paragraph (1) or (2) has effect until the award comes to an end.

(4) In this paragraph—

“the award”, except in sub-paragraph (2), means—

- (a) the award of a reduction under the authority's scheme during which the relevant sum or, where it is paid in more than one instalment, the first instalment of that sum is received; and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the previous award ends, such further awards until the end of the last such award, provided

that, for such further awards, the applicant—

- (i) is the person who received the relevant sum;
- (ii) is the partner of that person; or
- (iv) was the partner of that person at the date of his death;

(a) 2000 c.22.

[\(b\) S.I. 2013/376](#)

“official error”—

- (a) where the error relates to housing benefit, or council tax benefit (in respect of any period before 1st April 2013), has the meaning given by regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001^(a); and
- (b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999; “the relevant date” means the date on which the application for a reduction under this scheme was made;

“relevant benefit” means any benefit specified in paragraph 21(2); and “the relevant sum” means the total amount referred to in sub-paragraph (1).

- 23. Where a capital asset is held in a currency other than Sterling, any banking charge or commission payable in converting that capital into Sterling.
- 24. The value of the right to receive income from an occupational pension scheme or a personal pension scheme.
- 25. Any arrears of supplementary pension which is disregarded under paragraph 4 of Schedule 6 (amounts to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 5 or 6 of that Schedule.
- 26. The dwelling occupied as the home; but only one dwelling is to be disregarded under this paragraph.
- 27. (1) Subject to sub-paragraph (2), where an applicant falls within class C (alternative maximum council tax reduction: pensioners), the whole of his capital.

(2) Sub-paragraph (1) does not apply where an applicant falls within class B and class C.
- 28. Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to—
 - (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;
 - (b) the amount of that lump sum,

but only for so long as that person does not change that election in favour of an increase of pension or benefit.

(a) S.I. 2001/1002.

29. Any payments made by virtue of regulations made under—

- (a) section 57 of the Health and Social Care Act 2001 (direct payments);
- (b) section 12B of the Social Work (Scotland) Act 1968 (direct payments in respect of community care services);
- (c) sections 12A to 12C of the National Health Service Act 2006 (direct payments for health care);
- (d) Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972^(a) (general social welfare); or
- (e) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002^(b) (direct payments).

29A. —A payment made under the Age-Related Payments Regulations 2013 (c).

PART 2

Capital disregarded only for the purposes of determining deemed income

- 30. The value of the right to receive any income under a life interest or from a life rent.
- 31. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
- 32. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 33. Where property is held under a trust, other than—
 - (a) a charitable trust within the meaning of the Charities Act 1993; or
 - (b) a trust set up with any payment to which paragraph 16 applies,

and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant's partner, or both, that property.

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- (a) S.I. 1972/12656 (N.I. 14).
 - (b) 2002 c.6.
 - (c) [S.I. 2013/2980.](#)

Capital disregards: persons who are not pensioners

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.
4. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), only one dwelling is to be disregarded under this paragraph.
5. Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
6. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
7. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.

8. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
9. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
10. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
11. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

(2) The assets of any business owned in whole or in part by the applicant where—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business,for a period of 26 weeks from the date on which the application for a reduction under this scheme is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
12. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—

- (a) any payment specified in paragraphs 11, 13 or 14 of Schedule 8;
- (b) an income-related benefit under Part 7 of the SSCBA;
- (c) an income-based jobseeker's allowance;
- (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (e) working tax credit and child tax credit;
- (f) an income-related employment and support allowance,

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as “the relevant sum”) and is—

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) has effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the period of an award of a reduction under this scheme, for the remainder of that period if that is a longer period.

(3) For the purposes of sub-paragraph (2), “the period of an award of a reduction under this scheme” means—

- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant—
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

13. Any sum—

- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or

- (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home,

which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

14. Any sum—

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 as a condition of occupying the home;
- (b) which was so deposited and which is to be used for the purchase of another home,

for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

- 15.** Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to a reduction under this scheme or to increase the amount of that reduction.
- 16.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 17.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 18.** (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

(2) But sub-paragraph (1)—

- (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
- (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
- (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
- (d) does not apply to any payment from a trust where the funds of the

trust are derived from a payment made in consequence of any personal injury to the applicant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).

19. The value of the right to receive any income under a life interest or from a life rent.
20. The value of the right to receive any income which is disregarded under paragraph 15 of Schedule 7 or paragraph 29 of Schedule 8.
21. The surrender value of any policy of life insurance.
22. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
23. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
24. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A—
 - (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
25. Any—
 - (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
 - (b) occasional assistance.
26. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain

loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.

- 27.** Any capital which by virtue of paragraph 55 or 81 (capital treated as income: persons who are not pensioners, treatment of student loans) is to be treated as income.
- 28.** Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 29.** (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund.
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (4) Sub-paragraph (3) does not apply if—
- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or

- (b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(8) For the purposes of sub-paragraphs (2) to (6), any reference to the

Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

- 30.** (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.
- (2) In this paragraph “dwelling” includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.
- 31.** Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.
- 32.** Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.
- 33.** Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.
- 34.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
- 35.** The value of the right to receive an occupational or personal pension.
- 36.** The value of any funds held under a personal pension scheme.
- 37.** The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

38. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
39. Any payment made pursuant to section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
40. Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
41. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988(a) or section 66 of the Housing (Scotland) Act 1988(b) (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
- (a) to purchase premises intended for occupation as his home; or
 - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,
- for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
42. Any arrears of supplementary pension which is disregarded under paragraph 54 of Schedule 8 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 55 or 56 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
43. (1) Any payment or repayment made—
- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),

(a) 1988 c.50.
 (b) 1988 c.43.

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

- 44. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.
- 45. Any payment made under Part 8A of the SSCBA (entitlement to health in pregnancy grant).
- 46. Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
- 47. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944(a) to assist disabled persons to obtain or retain employment despite their disability.
- 48. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958(b) to homeworkers assisted under the Blind Homeworkers' Scheme.
- 49. (1) Subject to sub-paragraph (2), where an applicant falls within class F (alternative maximum council reduction: persons who are not pensioners), the whole of his capital.

(2) Sub-paragraph (1) does not apply where an applicant falls within class E and class F.
- 50. (1) Any sum of capital to which sub-paragraph (2) applies and—
 - (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
 - (b) which can only be disposed of by order or direction of any such court; or
 - (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

(a) 1944 c.10.
(b) 1958 c.3

(2) This sub-paragraph applies to a sum of capital which is derived from—

- (a) an award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

51. Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from—

- (a) award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

52. Any payment to the applicant as holder of the Victoria Cross or George Cross.

53. In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.

54. (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) “food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

55. (1) Any payment—

(a) by way of an education maintenance allowance made pursuant to—

- (i) regulations made under section 518 of the Education Act 1996;
- (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
- (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;

(b) corresponding to such an education maintenance allowance, made

pursuant to—

- (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
- (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—

- (a) regulations made under section 518 of the Education Act 1996;
- (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
- (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

- 56.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.
- 57.** Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.
- 58.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—
- (a) the applicant;
 - (b) the applicant's partner;
 - (c) the applicant's deceased spouse or deceased civil partner; or
 - (d) the applicant's partner's deceased spouse or deceased civil partner, by the Japanese during the Second World War, £10,000.
- 59.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is—
- (a) a diagnosed person;
 - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (c) a parent of a diagnosed person, a person acting in place of the

- diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,

whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—

- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

(4) Where a payment as referred to in sub-paragraph (3) is made to—

- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph applies for the period beginning on the date on which that payment

- is made and ending two years after that date; or
- (c) person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,

whichever is the latest.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) being a member of a diagnosed person's family; (c) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld-Jakob disease;
 “relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;
 “trust payment” means a payment under a relevant trust.

- 60.** The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner—
- (a) was a slave labourer or a forced labourer;
 - (b) had suffered property loss or had suffered personal injury; or
 - (c) was a parent of a child who had died, during the Second World War.
- 61.** (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) “local authority” includes in England a county council.

- 62.** Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
- 63.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 64.** Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

Appendix D: Council tax reduction scheme – proposed revisions to be considered by Cabinet on 17 December 2013 and by Council on 23 January 2014

Page no.	Paragraph no. if applicable	Wording to be deleted	Wording to be inserted
9	1	All	This Scheme relates to the financial year beginning 1 April 2013 and subsequent financial years until it is revised or replaced in accordance with Schedule 1A to the Local Government Finance Act 1992
9	3	All	In accordance with its duty under paragraph 5 of Schedule 1A to the Local Government Finance Act 1992, the Council will consider for each financial year whether to revise this Scheme or replace it with another scheme.
9	4	“statutory” in line 1 - Child Poverty Act 2010, Duty to mitigate the effects of child poverty - Duty to prevent homelessness	- Child Poverty Act 2010, s 21, duty to make arrangements with a view to reducing, and mitigating the effects of, child poverty in the local authority's area - Local Government Finance Act 1992, s 13A and Schedule 1A and all statutory instruments made under it

Page no.	Paragraph no. if applicable	Wording to be deleted	Wording to be inserted
49	Paragraph 26(2)	All	The authority may at any time while this Scheme is in force prescribe alternative sums in substitution for the Applicable Amounts specified in Schedule 3 to this Scheme, having had regard to any uprating of welfare benefits pursuant to the Welfare Benefits Up-rating Act 2013 or any order made under it or any legislation amending it, replacing it or re-enacting it, and the provisions of Part 6 of this Scheme shall be construed accordingly.
58	Paragraph 30A(10)	None	There shall be substituted for the fixed monetary sums specified in paragraph 30A(1) of this Scheme (non-dependant deductions in respect of a day referred to in paragraph 29(A)) the fixed monetary sums specified in Paragraph 8(1) of Part 3 of Schedule 1 to the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 or any legislation amending them, replacing them or re-enacting them. For the avoidance of doubt, this does not have the effect of causing any other provision in Part 3 of Schedule 1 to the Regulations to apply to paragraph 30A(1) of this Scheme.

Page no.	Paragraph no. if applicable	Wording to be deleted	Wording to be inserted
58	Paragraph 30A(11)	None	There shall be substituted for the fixed monetary sums specified in paragraph 30A(2) of this Scheme (non-dependant deductions – gross weekly income) the fixed monetary sums specified in Paragraph 8(2) of Part 3 of Schedule 1 to the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 or any legislation amending them, replacing them or re-enacting them. For the avoidance of doubt, this does not have the effect of causing any other provision in Part 3 of Schedule 1 to the Regulations to apply to paragraph 30A(2) of this Scheme.
59	Paragraph 31(1)	None	Insert “and (4)” after “sub-paragraphs (2) and (3)” in line 1
59	Paragraph 31(4)	None	There shall be substituted for the fixed monetary sums specified in Column 1 (Second Adult) of the table in paragraph 1 of Schedule 4 to this Scheme the fixed monetary sums specified in Column 1 (Second Adult) of the table in Paragraph 1 of Schedule 3 to the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 or any legislation amending them, replacing them or re-enacting them.

Page no.	Paragraph no. if applicable	Wording to be deleted	Wording to be inserted
90	Paragraph 56A	None	The authority may at any time while this Scheme is in force prescribe alternative sums in substitution for the fixed monetary sums specified in paragraphs 4, 5, 6, 7, 8, 9, 10, 11, 12(4), 18(1) and 18(3)(c) of Schedule 7 to this Scheme and paragraphs 20, 21, 26, 27, 49 and 58 of Schedule 8 to this Scheme, having had regard to any uprating of welfare benefits pursuant to the Welfare Benefits Uprating Act 2013 or any order made under it or any legislation amending it, replacing it or re-enacting it, and the provisions of Chapter 5 of this Scheme shall be construed accordingly.

Schedule 3 - Applicable amounts: persons who are not pensioners	01/04/2013 (current)	01/04/2014 (proposed)
	Amount	Amount
A single applicant who—		
is entitled to main phase employment and support allowance;	£71.70	£72.40
is aged not less than 25	£71.70	£72.40
is aged not less than 18 but less than 25	£56.80	£57.35
Lone parent	£71.70	£72.40
Couple	£112.55	£113.70
Child or Young Person in respect of the period—		
beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	£65.62	£66.33
beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	£65.62	£66.33
Family Premium		
Family Premium	£17.40	£17.45
Family Premium (Lone Parent Rate)	£22.20	£22.20
Disability Premium		
Single	£31.00	£31.85
Couple	£44.20	£45.40
Severe Disability Premium		
Single applicant	£59.50	£61.10
Couple (one qualifies)	£59.50	£61.10
Couple (both qualify)	£119.00	£122.20
Disabled Child Premium	£57.89	£59.50
Carer Premium	£33.30	£34.20
Enhanced disability premium		
Enhanced disability premium (child or young person)	£23.45	£24.08
Single applicant	£15.15	£15.55
a member of a couple or a polygamous marriage	£21.75	£22.35
ESA Components		
work-related activity	£28.45	£28.75
support	£34.80	£35.75

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