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**Our reference:**  
**Your reference:**  
**Date:** Monday, 15 November 2021

To all Members of the Cabinet

Dear Councillor

A Meeting of the Cabinet will be held on Tuesday, 23 November 2021 at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

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

Yours sincerely



Sanjit Sull  
Monitoring Officer

## **AGENDA**

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Meeting held on 12 October 2021 (Pages 1 - 4)
4. Citizens' Questions  
To answer questions submitted by citizens on the Council or its services.
5. Opposition Group Leaders' Questions  
To answer questions submitted by Opposition Group Leaders on items on the agenda.

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**Opening hours:**  
**Monday, Tuesday and Thursday**  
8.30am - 5pm  
**Wednesday**  
9.30am - 5pm  
**Friday**  
8.30am - 4.30pm

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Rushcliffe Arena  
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West Bridgford  
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## NON-KEY DECISIONS

6. Electoral Review of Rushcliffe - Draft Recommendations (Pages 5 - 22)

The report of the Chief Executive is attached.

7. Community Infrastructure Levy Allocation and Spend Process (Pages 23 - 38)

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

8. Ratcliffe on Soar Power Station Local Development Order (Pages 39 - 48)

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

9. Covid 19: Update Report (Pages 49 - 56)

The report of the Chief Executive is attached.

### Membership

Chairman: Councillor S J Robinson

Vice-Chairman: Councillor A Edyvean

Councillors: A Brennan, R Inglis and G Moore

### **Meeting Room Guidance**

**Fire Alarm Evacuation:** In the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

**Toilets:** Are located to the rear of the building near the lift and stairs to the first floor.

**Mobile Phones:** For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

**Microphones:** When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

### **Recording at Meetings**

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt.



**MINUTES  
OF THE MEETING OF THE  
CABINET  
TUESDAY, 12 OCTOBER 2021**

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

**PRESENT:**

Councillors A Edyvean (Vice-Chairman), A Brennan, R Inglis and G Moore

**ALSO IN ATTENDANCE:**

Councillors Jones, R Mallender and J Walker

**OFFICERS IN ATTENDANCE:**

L Ashmore	Director of Development and Economic Growth
D Banks	Director of Neighbourhoods
K Marriott	Chief Executive
S Sull	Monitoring Officer
H Tambini	Democratic Services Manager

**APOLOGIES:**

Councillors S J Robinson

**26 Declarations of Interest**

There were no declarations of interest.

**27 Minutes of the Meeting held on 14 September 2021**

The minutes of the meeting held on Tuesday, 14 September 2021, were declared a true record and signed by the Vice-chairman.

**28 Citizens' Questions**

There were no questions.

**29 Opposition Group Leaders' Questions**

Question from Councillor J Walker to Councillor Brennan.

“Who are our Registered Partners and how is this decided/vetted/agreed?”

Councillor Brennan responded by stating that the terms social housing and registered provider were defined in the Housing and Regeneration Act 2008 Act. Social housing included low-cost rental, such as affordable rent properties, and low-cost home ownership. Registered providers included local authority landlords and private registered providers, such as not-for-profit

housing associations and some for-profit organisations. The largest registered provider in Rushcliffe was Metropolitan Thames Valley followed by Platform formerly known as Waterloo, which was the Council's key partner in rural exception site schemes. Given their presence in the Borough, the Council worked with those providers the most; however, it could work with any. Importantly, any proposal put forward by a registered provider to deliver additional affordable homes was carefully considered. Appropriate checks were undertaken before any Capital Grant Allocation was made, in accordance with the Council's Scheme of Delegation and its policy and regulatory framework, including the Capital Budget and the Social and Affordable Homes Policy. Registered providers of social housing in England were controlled by the Regulator of Social Housing and their functions were also set out in the 2008 Act.

Councillor J Walker asked the following supplementary questions to Councillor Brennan.

"How did the Council decide if they were a good match for our Borough and whether we take account of their records of dealing with communities, history of sustainability, and also when was it brought to Full Council to agree?"

Councillor Brennan responded to the first question by stating that providers were chosen by officers under a Scheme of Delegation, following a due diligence and value for money process. There were only so many registered providers in the Borough, and the Council choose to work with those that it had a track record with. In respect of the monitoring of their track records in the communities, Councillor Brennan advised that she would provide a written response to that question.

The Vice-chairman reminded Councillor Walker that for future reference, she was entitled to ask one supplementary question, as a follow up to her original question.

Question from Councillor Thomas to Councillor Brennan. Councillor Thomas was unable to attend the meeting, so her question was read out by the Vice-chairman.

"Given that para 4.10 of the report details a number of options already available for spending the Affordable Housing Capital Budget to support the delivery of affordable housing, will the consultant's report help the Council provide more affordable housing as soon as possible?"

Councillor Brennan responded by stating that the Council had a strong track record in the delivery of affordable homes and the purpose of the consultant's work would be to explore any additional tools or options that the Council might wish to explore to further expand the routes to the delivery of affordable homes. This increase in funding offered the Council the opportunity for a more strategic response to local needs.

Councillor Thomas asked a supplementary question to Councillor Brennan, which was read out by the Vice-chairman.

“When will the report come back to Council to agree a course of action that will result in more affordable housing?”

Councillor Brennan responded by stating that if the consultant recommended that an additional option or options for the delivery of affordable homes should be pursued, that would be reported to Cabinet for consideration, with a report expected in the new year.

### 30 **Allocation of Affordable Housing Capital Budget Update**

The Cabinet Portfolio Holder for Communities and Climate Change, Councillor Brennan presented the report of the Director – Neighbourhoods providing an update on the allocation of the Council’s Affordable Housing Capital Budget.

Councillor Brennan advised that the Affordable Housing Capital Budget, which supported the provision of additional affordable housing consisted in part of commuted funds allocated in lieu of onsite affordable housing, where local planning policies required it. Cabinet noted that significant additional funds of £2,387,500, had been received, with a further £1,392,500 expected next year, from the Chapel Lane development in Bingham, details of which were highlighted in paragraph 4.5 of the report. Prior to this windfall the budget had stood at approximately £1.6 million, which had been used for smaller scale interventions, including the Garage sites initiative and the Next Steps Rough Sleeper units.

Councillor Brennan stated that with those significant additional sums, consideration could be given to more ambitious options to intervene more strategically, to support the delivery of affordable housing, and to consider issues such as retention or partnering, to enable the Council to retain a stake in funded assets. Cabinet was advised that given the sums involved, it was recommended that a specialist consultant be appointed, at a cost of up to approximately £10,000, to examine the options available for the enhanced delivery of affordable homes in the Borough.

In seconding the recommendation, Councillor Inglis concurred with the comments made and stated that the provision of more affordable housing would be welcomed by residents. Cabinet noted the importance of helping people to get onto the property ladder without having to move away from Rushcliffe, especially in rural areas where property prices were very high and out of reach of first-time buyers. In conclusion, Councillor Inglis welcomed the additional funding and the appointment of a specialist consultant and looked forward to hearing the consultant’s findings.

Councillor Moore welcomed the report and reiterated the concerns surrounding house prices in rural areas and hoped that this additional funding would encourage more ambitious affordable housing projects to be built and looked forward to hearing the consultant’s findings.

**It was RESOLVED that** the appointment of a suitably qualified consultant to assess the options for the Council in respect of a Council company or joint venture vehicle through which the Council may retain some form of interest in the dwellings funded by way of the Affordable Housing Capital Budget, be

approved.

### 31 **Hickling Parish Neighbourhood Plan**

The Cabinet Portfolio Holder for Business and Economic Growth, Councillor Edyvean presented the report of the Director – Development and Economic Growth providing an update on the Hickling Parish Neighbourhood Plan.

Councillor Edyvean confirmed that the Plan had been produced by Hickling Parish Council, in conjunction with the local community and assessed by an independent Examiner. Cabinet noted that usually the Examiner's report confirmed that a plan was fit for purpose and had reached the required standard for adoption within the Council's own Local Plan. At that stage, the Council would normally accept or reject the Examiner's report in its entirety and then proceed to a referendum. However, in this particular instance, Cabinet was advised that two of the Examiner's recommended Modifications, 9 and 10 were not considered to be necessary to meet the legal requirements and Basic Conditions, details of which were highlighted in paragraphs 3.6 and 3.7 of the report.

In conclusion, Councillor Edyvean advised that if the Examiner's recommended modifications were accepted, it could possibly lead to development on a greenfield site, which would be unacceptable, and it was for this reason that the Parish Council had asked for Modifications 9 and 10 to not be accepted.

Councillor Moore seconded the recommendation.

#### **It was RESOLVED that:**

- a) all of the Examiner's recommended modifications to the Hickling Parish Neighbourhood Plan be accepted, with the exception of Modifications 9 and 10;
- b) the Hickling Parish Neighbourhood Plan Decision Statement and its publications be approved;
- c) a six week consultation should be undertaken on the proposed decision not to accept Modifications 9 and 10; and
- d) a referendum on the Hickling Parish Neighbourhood Plan should not proceed at this time.

The meeting closed at 7.15 pm.

CHAIRMAN



**Cabinet**

**Tuesday, 23 November 2021**

**Electoral Review of Rushcliffe – Draft Recommendations**

## **Report of the Chief Executive**

**Cabinet Portfolio Holder for Strategic and Borough Wide Leadership,  
Councillor S J Robinson**

### **1. Purpose of report**

- 1.1. The Council is participating in a periodic review requested by the Local Government Boundary Commission for England (LGBCE). In March 2021, Council approved the Review of Council Size before its submission to the LGBCE.
- 1.2. The LGBCE decided that Rushcliffe should retain 44 councillors and undertook its first stage of consultation between 11 May to 19 July. They asked for feedback on where the Borough's ward boundaries should be drawn.
- 1.3. The second stage of the consultation commenced on 5 October, with the publication of Draft Recommendations setting out where the LGBCE considers the Borough's ward boundaries should be drawn and how many councillors should be elected by each ward. Councillors have had the opportunity to consider these recommendations and Appendix One presents the Council's draft response ("draft response") to the second stage of the consultation.
- 1.4. The Cabinet is asked to consider the comments made by Councillors and contained in the draft response to the LGBCE consultation at Appendix One before the document is presented to Council in advance of the 13 December LGBCE consultation deadline.

### **2. Recommendation**

It is RECOMMENDED that Cabinet endorses the draft response to the second stage of the LGBCE consultation as the Council's response and recommends it for approval to Council.

### **3. Reasons for Recommendation**

The draft response document contained at Appendix One draws together the views of Councillors to form the Council's response to the LGBCE consultation on its draft recommendations for the electoral arrangements in Rushcliffe. It is important that given the nature of the changes proposed that the Council

presents the local perspective to ensure that the decisions made by the LGBCE reflect Rushcliffe's local communities.

#### **4. Supporting Information**

4.1. The LGBCE published its Draft Recommendations for Rushcliffe on 5 October. This outlined where the Commission believes the ward boundaries for Rushcliffe should be and how many Councillors should be elected to represent each ward. The publication of the Draft Recommendations triggered a second stage of consultation which runs until 13 December.

4.2. In summary, the LGBCE recommends:

- Council to stay at 44 councillors
- 21 new wards – four fewer than there are now
- More multi-member wards than currently
- Boundaries of most wards changing (three stay the same)
- Names of some wards changing
- Two town / parish councils affected (Bingham and Radcliffe).

4.3. Councillors were invited to submit comments and observations to officers on the Draft Recommendations before 22 October. This feedback was then discussed by Group Leaders on 25 October, before being compiled into the draft response from the Council contained at Appendix One.

4.4. Councillors were keen to communicate the following key points to the LGBCE:

4.4.1. There is clear agreement with the recommended ward boundaries for Ruddington, Leake, Radcliffe on Trent, Cotgrave, Abbey, Compton Acres, Musters, and Edwalton.

4.4.2. There is broad agreement (minor alterations suggested) with the recommended ward boundaries for Keyworth and Wolds, Neville and Langar, Tollerton, and Gamston.

4.4.3. A new name has been proposed for the reduced Lutterell ward – Wilford Hill.

4.4.4. Minor concerns relating to the change from an East/West split of Bingham to a North/South division.

4.4.5. The draft response raises significant concerns about the three geographically large multi-member rural wards proposed for Soar Valley, East Bridgford, and Aslockton and Cropwell. These concerns relate to the perception that all elected councillors are responsible for and accountable to the whole ward and the implication therefore that all have to attend all parish council meetings, respond to all planning consultations, and attend to all resident related casework. This spreads the elected members very thinly, causes confusion within the ward in relation to effective governance

and leads to further disengagement in local democracy. The Council believes that single member wards in large rural areas will result in more effective local governance.

4.4.6. The draft response further disagrees with the proposals for the new Barton in Fabis ward and Bunny ward and makes alternative suggestions for the LGBCE to consider. The Council is concerned about the creation of a new ward for Barton in Fabis which is significantly in advance of the population of the new Fairham community and does not take account of the emerging identity of that community which is likely (by the nature of the development) to be very different to other areas of the ward – instead it proposes the retention of the current Gotham ward for this area. In terms of the proposals for Bunny ward, the Council does not agree that Plumtree should move into the ward and proposes the inclusion of Widmerpool and Willoughby on the Wolds instead which have much stronger community ties to the existing ward.

4.4.7. Furthermore, the draft response disagrees with the recommended ward boundaries for the Trent Bridge ward as proposed by the LGBCE. The grouping of the primarily transient Trent Bridge student population and city-bound professionals with the close-knit and established academic and artistic Lady Bay community demonstrates a lack of local knowledge and understanding. This is not the fault of the LGBCE who, the Council accepts, have undertaken this exercise from a distance due to Covid-19 restrictions but given the local nuances the LGBCE are urged to reconsider this area of their recommendations. The Council suggests that the existing two wards are retained (but accepts that some internal boundaries may have to change).

4.4.8. As well as the observations summarised about and contained in more detail in Appendix One, the draft response strongly recommends the LGBCE visit both Bingham and the existing Trent Bridge and Lady Bay wards in light of the comments made by Councillors regarding their proposals. Covid-19 made it difficult for the LGBCE to undertake onsite visits during the earlier stages of consultation; however, visits are recommended to support the LGBCE's understanding of the diversity of community identity between very different but geographically coterminous areas.

## **5. Alternative options considered and reasons for rejection**

Cabinet could choose not to respond to the consultation which would result in ward boundaries being imposed in the Borough that were electorally equitable but did not correlate with the communities Rushcliffe's Councillors represent.

## **6. Risks and Uncertainties**

Failure to ensure electoral representation is fair and equitable restricts the Council's ability to deliver services reflective of local need, demand and choice. Disproportionate electorate to Councillor numbers reduces capacity to ensure

understanding of local representation and ensure it properly reflects community identity.

## **7. Implications**

### **7.1. Financial Implications**

There are no financial implications related to the recommendations of this report.

### **7.2. Legal Implications**

If approved by the Commission, the electoral arrangements for Rushcliffe will be laid by draft order before Parliament in Summer 2022. If made, the order will come into force in 2023. Until such date, the existing ward boundaries and Councillor numbers will continue in their current format.

### **7.3. Equalities Implications**

Adequate representation of the electorate is one of the primary drivers behind this review. A sense of 'community identity' is one of the LGBCE's key considerations when proposing a change of ward boundary.

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

There are no Section 17 implications related to the recommendations of this report.

## **8. Link to Corporate Priorities**

Quality of Life	Fair, equitable, and responsive democratic representation is a key element of quality of life for our residents.
Efficient Services	By ensuring that each Councillor represents a fairly equal number of electors, each Councillor will have the best opportunity to deliver efficient and effective representation for their ward.
Sustainable Growth	Whilst the Borough is expanding it is important to maintain fair, equitable, and responsive democratic representation
The Environment	

## **9. Recommendation**

It is RECOMMENDED that Cabinet endorses the draft response to the second stage of the LGBCE consultation as the Council's response and recommends it for approval to Council.

<b>For more information contact:</b>	Charlotte Caven-Atack Service Manager – Corporate Services 0115 914 8278 <a href="mailto:ccaven-atack@rushcliffe.gov.uk">ccaven-atack@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	Review of Council Size – Council 4 March 2021  LGBCE New Electoral Arrangements for Rushcliffe – Draft Recommendations
<b>List of appendices:</b>	Appendix One – Council Response to LGBCE Draft Recommendations

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# Draft Response to LGBCE Draft Recommendations

## Introduction

The Council welcomes the opportunity to comment upon the recommended ward boundaries as proposed by the Local Government Boundary Commission (LGBCE) for England in October 2021. The following observations have been drawn together from comments made by Councillors in an internal consultation exercise that was open to all. Councillors also have the option of responding to the LGBCE directly by the 13 December deadline.

The observations have been structured in line with the LGBCE Draft Recommendations to ensure the Council's comments reflect the proposals made by the LGBCE in this stage of the consultation. Comments from Councillors aim to highlight where the proposals do and do not reflect local community identities as well as practical geography on the ground as well as taking account of the LGBCE three main considerations when carrying out a review:

- Improving electoral equality by equalising the number of electors that each councillor represents
- Ensuring that the recommendations reflect community identity
- Providing arrangements that support effective and convenient local government.

## South Western Rushcliffe

### Barton in Fabis

**Current:** part of the existing Gotham ward

**Proposed:** 1 councillor

**Anticipated number of electors 2027:** 2,276

**Variance from the average 2027:** -6%

The Council recognises that this new ward has been created to accommodate the large development at Fairham that is due to be started in the next few years. However, it has concerns on two accounts. Firstly, that the new development at Fairham is likely to be very different in terms of community identity to the existing and established settlements that would also fall into this ward. There is no doubt that due to the scale of development at Fairham that, once built, this will be a suburban settlement, contrasting vastly with the much smaller rural villages nearby. Secondly, the pace of development is difficult to predict and there may be far fewer electors resident in the ward at the time of the next two elections than predicted. Councillors have expressed concerns about the electoral equality in this area should development progress at a slower pace than expected.

However, the existing ward member for this area is in support of these proposals which recognise the additional workload in terms of community leadership managing the settlement of a new residential area for both new residents and those who already live in the area.

The Council would encourage the LGBCE to consider retaining the existing single-member Gotham ward (though perhaps a smaller geographical area would balance the new housing that does get built in Fairham before 2027) alongside a combined Sutton Bonnington / part Leake ward (following the lines of the proposed Soar Valley ward below) at this Electoral Review. This would allow time for the new development at Fairham to be built and establish its own sense of identity as well as satisfying the needs of the smaller rural areas in the shorter term. In the future, a separate ward for the suburban Fairham area would be welcomed; although the Council feels that the more rural existing villages in this area would continue to have more commonality with similar villages through the existing Sutton Bonnington and Leake wards. An alternative would be to combine the whole of the west of the Borough into one single three-member ward although the Council has serious reservations about the democratic equality and effectiveness of three-member wards in rural areas spanning large geographical areas (see note at the end of this document).

### Soar Valley

**Current:** combination of the existing Sutton Bonnington ward with parts of Gotham and Leake wards

**Proposed:** 2 councillors

**Anticipated number of electors 2027:** 4,169

**Variance from the average 2027:** -14%

The Council is very concerned about the large geographical area that this proposed ward covers and the impact of this on effective local governance. Rushcliffe's Councillors are generally very active within their communities attending as many community events and parish council meetings as they can. This proposed area covers 7 parishes and meetings tend to be on a monthly basis. Councillors have reported that in multi-member wards there is an expectation that all elected members respond to planning application consultations, attend parish council meetings and respond to resident enquiries. Although some are able to

divide the workload, others, especially where the councillors are not from the same political party, find this more difficult if they are to represent the community adequately.

The Council also encourages the LGBCE to take into account the comments made above in relation to the proposed Barton in Fabis ward.

## **Ruddington**

**Current:** 3 councillors

**Proposed:** 3 councillors

**Anticipated number of electors 2027:** 7,100

**Variance from the average 2027:** -3%

The Council is satisfied that the proposals for Ruddington ward represent good electoral equality, community identity and effective and convenient local governance.

## **Bunny**

**Current:** 1 councillor

**Proposed:** 1 councillor

**Anticipated number of electors 2027:** 2,324

**Variance from the average 2027:** -4%

The Council is supportive of the retention of Bunny as a single-member ward. However, Councillors were agreed that Plumtree has close community links with Tollerton and should remain within the Tollerton ward. If it is not possible to balance electoral equality by keeping Plumtree in the Tollerton ward, then the Council would suggest it has closer links with Keyworth with many Plumtree residents using health and education facilities as well as shopping and social groups within Keyworth. A main bus route also connects Plumtree and Keyworth.

The Council would encourage the LGBCE to consider the inclusion of rural villages such as Widmerpool and Willoughby on the Wolds currently in the Keyworth and Wolds ward instead of Plumtree as these villages have more in common with Wysall (in the Bunny ward) and the communities of all three villages identify better with each other (known locally as the W's) than either Bunny or Keyworth.

## **Leake**

**Current:** 3 councillors

**Proposed:** 3 councillors

**Anticipated number of electors 2027:** 7,611

**Variance from the average 2027:** +4%

The Council is satisfied that the proposals for Leake ward represent good electoral equality, community identity and effective and convenient local governance.

## South Eastern Rushcliffe

### Keyworth and Wolds

**Current:** 3 councillors

**Proposed:** 3 councillors

**Anticipated number of electors 2027:** 8,027

**Variance from the average 2027:** +10%

The Council encourages the LGBCE to take into account the comments made above in relation to the Bunny ward and suggests that this may help to rebalance the electoral equality (reducing the +10% the current proposals suggest) as new housing developments within Keyworth grow the village during the next electoral cycle.

There is a strong feeling from one of the current ward councillors that the southern parts of the Keyworth and Wolds ward including Willoughby and Widmerpool should be incorporated into the Bunny ward rather than remaining in Keyworth and Wolds.

### Neville and Langar

**Current:** 1 councillor

**Proposed:** 1 councillor

**Anticipated number of electors 2027:** 2,386

**Variance from the average 2027:** -2%

The Council is satisfied that the proposals for the Neville and Langar ward represent good electoral equality, community identity and effective and convenient local governance.

However, the Council would like the LGBCE to reconsider the situation regarding Langar and Barnstone Parish Council. These two villages share a church, village hall and parish council, they have a clear shared community identity demonstrated in their strapline of 'two villages – one community', but straddle a Borough ward boundary; in reality, councillors from two wards service the needs of this parish unnecessarily duplicating work and creating ineffective local governance. The Council would recommend moving the whole parish into the Neville and Langar ward.

## North Eastern Rushcliffe

### East Bridgford

**Current:** expanded East Bridgford ward to include areas currently covered by Cramner, Thoroton and Bingham West

**Proposed:** 2 councillors

**Anticipated number of electors 2027:** 5,227

**Variance from the average 2027:** +7%

The Council is very concerned about the large geographical area that this proposed ward covers and the impact of this on effective local governance. Rushcliffe's Councillors are generally very active within their communities attending as many community events and parish council meetings as they can. This proposed area covers 15 parishes and meetings tend to be on a monthly basis. Councillors have reported that in multi-member wards there is an expectation that all elected members respond to planning application consultations, attend parish council meetings and respond to resident enquiries. Although some are able to divide the workload, others, especially where the councillors are not from the same political party, find this more difficult if they are to represent the community adequately.

The Council asks the LGBCE to consider two single-member wards to cover this geographical area to ensure effective and convenient local government is maintained. It would further suggest that these two wards should retain the names of East Bridgford and Thoroton albeit with slight changes to the outer ward boundary as proposed.

### Bingham North

**Current:** redrawing of the boundaries within Bingham to reach more equitable electoral representation

**Proposed:** 2 councillors

**Anticipated number of electors 2027:** 4,568

**Variance from the average 2027:** -6%

Whilst the Council understands the redrawing of the internal Bingham boundary from East/West to North/South represents better electoral equality following development within the Town, it encourages the LGBCE to visit the area in person before finalising this decision. Councillors from this area feel that the arbitrary drawing of the line dissects the communities with which they have formed strong links over time. It also splits the centre of the Town, including the main school, for purely administrative purposes. The current East/West split is far more logical when visited 'on the ground'.

### Bingham South

**Current:** redrawing of the boundaries within Bingham to reach more equitable electoral representation

**Proposed:** 2 councillors

**Anticipated number of electors 2027:** 4,745

**Variance from the average 2027:** -2%

See comments above in relation to the proposed Bingham North ward.

## **Aslockton and Cropwell**

**Current:** newly created rural ward encompassing part of Thoroton, part of Cramner, part of Radcliffe on Trent and all of Cropwell ward

**Proposed:** 2 councillors

**Anticipated number of electors 2027:** 5,342

**Variance from the average 2027:** +10%

The Council is very concerned about the large geographical area that this proposed ward covers and the impact of this on effective local governance. Rushcliffe's Councillors are generally very active within their communities attending as many community events and parish council meetings as they can. This proposed area covers 8 parishes (plus 2-part parishes) and meetings tend to be on a monthly basis. Councillors have reported that in multi-member wards there is an expectation that all elected members respond to planning application consultations, attend parish council meetings and respond to resident enquiries. Although some are able to divide the workload, others, especially where the councillors are not from the same political party, find this more difficult if they are to represent the community adequately.

The Council asks the LGBCE to consider two single-member wards to cover this geographical area to ensure effective and convenient local government is maintained. It would further suggest that these two wards should retain the names of Cropwell and Aslockton albeit with slight changes to the outer ward boundary as proposed. If the LGBCE wishes to implement the current proposal, the Council would recommend the name of the ward should be Cropwell and Aslockton instead.

Upper Saxondale residents' association are happy their suggestions have been accepted

The Council would encourage the LGBCE to consider its earlier comments in relation to the warding of Barnstone village under Neville and Langar above.

## Northern and Central Rushcliffe

### Radcliffe on Trent

**Current:** reduction of current Radcliffe on Trent ward to exclude Upper Saxondale

**Proposed:** 3 councillors

**Anticipated number of electors 2027:** 7,471

**Variance from the average 2027:** +2%

The Council is satisfied that the proposals for the Radcliffe on Trent ward represent good electoral equality, community identity and effective and convenient local governance.

### Tollerton

**Current:** reduction of existing ward losing Plumtree Parish to Bunny ward and Clipston and Normanton on the Wolds move to Cotgrave ward

**Proposed:** 1 councillor

**Anticipated number of electors 2027:** 2,636

**Variance from the average 2027:** +8%

The Council would encourage the LGBCE to consider the comments made above under 'Bunny' which suggest that Plumtree has significant community ties to Tollerton and should be retained within this ward if at all possible. The same applies to Clipston and Normanton on the Wolds - both communities look to Tollerton for social activity, schools, and shops. However, the Council understands that there is significant development planned in the Tollerton area and that electoral equality may not be achievable without change to the existing ward boundaries.

### Cotgrave

**Current:** expansion of existing Cotgrave ward

**Proposed:** 3 councillors

**Anticipated number of electors 2027:** 7,329

**Variance from the average 2027:** 0%

The Council is satisfied that the proposals for the Cotgrave ward represent good electoral equality, community identity and effective and convenient local governance. The Council would, however, encourage the LGBCE to consider comments made above in relation to Clipston on the Wolds and Normanton on the Wolds.

## North Eastern West Bridgford

### Trent Bridge

**Current:** Combination of existing Trent Bridge and Lady Bay wards minus the homes between Rectory Road / Albert Road and Abbey Road, Abbey Circus, Exchange Road and the rear of Manvers Road which all now fall into Abbey ward.

**Proposed:** 3 councillors

**Anticipated number of electors 2027:** 6,699

**Variance from the average 2027:** -8%

The Council is strongly opposed to the proposals for the Trent Bridge ward. Several Councillors have expressed the view that the area currently considered as Lady Bay ward has a distinct and separate community identity to other areas of West Bridgford even though those areas may be geographically close. It is closely bounded by the canal and a major road, and it has a close-knit urban community that is distinctly different to its surrounding area. In contrast, the current Trent Bridge ward has a significant student population due to its proximity to the main route into the city (and its two universities) and easily accessible public transportation links. The Council would strongly encourage the LGBCE to visit the area in person before finalising this decision.

The Council accepts that community identity is only one of its considerations when deciding where ward boundaries should be drawn and understands that electoral equality and effective governance must also be taken into account. The Council would be interested to understand more about the implications of different warding patterns for this area and is keen to work with the LGBCE to find a solution which best meets the aims of the review.

In addition, the Council would like to draw the LGBCE's attention to a parish split created by this warding pattern. This would seem an opportune time to move the Adbolton ward of Holme Pierrepont parish into the new Gamston ward so that the whole of the parish is now in this ward rather than still being split between Gamston and Trent Bridge wards

### Gamston

**Current:** Combination of existing Gamston North and Gamston South wards with a small additional area from the existing Edwalton ward.

**Proposed:** 2 councillors

**Anticipated number of electors 2027:** 4,836

**Variance from the average 2027:** -1%

The Council is satisfied that the proposals for the Gamston ward represent good electoral equality, community identity and effective and convenient local governance. However, the Council would like to draw the LGBCE's attention to the fact that this proposed ward straddles both parished and non-parished areas, and the comments above under 'Trent Bridge' in reference to the Adbolton ward of Holme Pierrepont parish.

## **Abbey**

**Current** expansion of existing ward to the north, taking in part of the existing Trent Bridge ward south of Rectory Road / Albert Road, and a small area of the existing Edwalton ward in the Leahurst Gardens area.

**Proposed:** 3 councillors

**Anticipated number of electors 2027:** 6,718

**Variance from the average 2027:** -8%

The Council is satisfied that the proposals for the Abbey ward represent good electoral equality and effective and convenient local governance. Councillors have noted that there is no particular community identity or focus in this area and that there are distinct differences between the north and south of the ward. These concerns are not significant enough for the Council to propose any changes to this proposal.

One councillor had reservations about the changes proposed and suggested a different boundary arrangement. As an individual view, this will be put forward to the LGBCE separately.

## South Western West Bridgford

### Compton Acres

**Current:** small expansion of existing ward to gain land from the south of Northwold Avenue to Rugby Road from the existing Lutterell ward

**Proposed:** 2 councillors

**Anticipated number of electors 2027:** 4,839

**Variance from the average 2027:** -1%

The Council is satisfied that the proposals for the Compton Acres ward represent good electoral equality, community identity and effective and convenient local governance.

One Councillor suggested that due to the geography and close alignment of both the Compton Acres and Lutterell wards that the two should be combined into one three-member ward. In an urban and non-parished area, the Council's reservations about three-member wards do not stand and there is very little between the two areas in terms of community identity.

### Lutterell

**Current:** contraction of existing ward of the same name losing all land from Rugby road northwards

**Proposed:** 1 councillor

**Anticipated number of electors 2027:** 2,567

**Variance from the average 2027:** +6%

The LGBCE are encouraged to consider the suggestion made above under 'Compton Acres'. If, however, the LGBCE is minded to keep Lutterell as a separate ward, the Council feels that the name 'Wilford Hill' is more representative of the smaller ward. The reduction in size does better represent community identity in the area – there is a Wilford Hill residents association, facebook page and running club with essentially the same boundaries.

### Musters

**Current:** expansion of the current ward to include properties north of South Road / Musters Road to the rear of Loughborough Road from the current Lutterell ward

**Proposed:** 2 councillors

**Anticipated number of electors 2027:** 5,369

**Variance from the average 2027:** +10%

The Council is satisfied that the proposals for the Musters ward represent good electoral equality, community identity and effective and convenient local governance.

One councillor noted that there are distinct differences between the north and south of the ward, but the balance of views expressed were in support of the changes.

## **Edwalton**

**Current:** slight reduction of existing ward to lose properties to the east of Alford Road to the new Gamston ward

**Proposed:** 2 councillors

**Anticipated number of electors 2027:** 4,774

**Variance from the average 2027:** -2%

The Council is satisfied that the proposals for the Edwalton ward represent good electoral equality, community identity and effective and convenient local governance. The Council is mindful that in any future review this arrangement may change as the new Edwalton community, which is currently only part built and occupied, will have established its own identity which may or may not link with that of the existing and established areas of this ward.

## **Comments related to Multi Member Wards**

The Council received many comments from Councillors relating to the increased number of multi-member wards. There was general consensus that whilst multi-member wards worked well in non-parished or suburban areas, they were entirely unsuitable for large rural areas and that this seriously impacted upon the democratic representation and good governance of these areas.

Larger multi-member wards work well in our key settlements such as Leake, Ruddington, Keyworth, Cotgrave, Radcliffe and Bingham. Councillors are able to work together within a relatively compact geographical area, there is generally only one town or parish council to attend and support, resident concerns are similar in nature, and it is easier to attend community events and surgeries. In some of the larger rural areas proposed in the LGBCE Draft Recommendations, multiple councillors could be expected by their communities to attend up to 15 parish council meetings a month, as well as commenting on planning applications from a number of different and diverse communities, travelling over significant distances to be present at community events or talk to residents directly. This makes it very difficult for residents to form any kind of connection with their local representative, effective local governance becomes distant, and the community leadership that councillors provide is spread so thin it is almost non-existent.

There is no doubt that 'buddying-up' does provide resilience in case individual councillors are indisposed or on holiday. However, Rushcliffe has significant evidence to demonstrate that if these circumstances do transpire then swift action is taken to ensure that community leadership and representation is maintained.

Whilst the mathematics may suggest that multi-member wards are a good idea, the reality is that in some cases they are an impediment to effective and convenient local governance as well as seriously undermining the community's ability to access and influence local representatives.



**Cabinet**

**Tuesday, 23 November 2021**

**Community Infrastructure Levy Allocation and Spend Process**

## **Report of the Director – Development and Economic Growth**

### **Cabinet Portfolio Holder for Business and Growth, Councillor A Edyvean**

#### **1. Purpose of report**

- 1.1. On 7 October 2019, the Borough Council brought its Community Infrastructure Levy (CIL) into force. The levy is a charge applied to certain types of development to support funding infrastructure across the Borough, as set out in the Borough Council's published Infrastructure List.
- 1.2. Whilst calculation and collection of the levy is dictated by processes outlined in legislation, its application to infrastructure is less prescriptive. Whilst there are still some restrictions on how funds are used, much of the governance is left to be decided by the charging authority.
- 1.3. Proposals for the method of managing the allocation and spend of CIL funds has been considered by the Growth and Development Scrutiny Group on 13 October 2021 (see background papers). The Group resolved to support the referral of the allocation and spend process to Cabinet, as well as a recommendation to Cabinet to make an additional amount of Strategic CIL available to areas without a Neighbourhood Plan.
- 1.4. The purpose of this report is to outline the identified process for managing the allocation and spend of CIL against infrastructure projects, including the specific provisions for those areas without a Neighbourhood Plan.

#### **2. Recommendation**

It is **RECOMMENDED** that Cabinet approves the Draft CIL Framework Appraisal document and proposed allocation and spend procedure and recommends its adoption to Full Council.

#### **3. Reasons for Recommendation**

The levy has been in place for two years and a reasonable level of levy receipts have been collected from developments within the Borough. A process for allocating and spending CIL receipts needs to be agreed before the funds can be applied towards delivering infrastructure.

#### 4. Supporting Information

- 4.1. CIL has, in part, replaced part of the role that S106 Planning Obligations play in securing developer contributions for infrastructure. The benefit of CIL is that it can be captured from a broader range of developments and can be applied more flexibly to fund projects across the whole Borough rather than being restricted to addressing the impact of a specific development. This flexibility comes with a requirement to adopt a procedure for how to most effectively apply CIL funds.
- 4.2. A Draft CIL Framework Appraisal document to govern the spend of CIL has been produced and is included as Appendix A. The framework is intended, primarily, to identify the specific infrastructure projects the Borough Council will support through CIL, including an order of priority and an expected level of funding which will be applied towards those projects. It should also demonstrate the Borough Council's consideration of projects before committing to any CIL expenditure, as well as help forecast for longer-term infrastructure projects, which may not need immediate funding.
- 4.3. Any funds that the Borough Council collects through CIL must be used in line with the Community Infrastructure Levy Regulations 2010 (as amended). The regulations allow for 5% of CIL receipts to be retained for administrative purposes.
- 4.4. Furthermore, the regulations require that a further proportion of CIL receipts are passed to the Town/Parish Council for the area they were collected in. This Neighbourhood CIL can be used more broadly by Town/Parish Councils – it need not be used towards items in the Borough Council's Infrastructure list and can be applied to things other than infrastructure. Where there is no Town/Parish Council for an area, the Borough Council must spend the funds to support development in that area as if it were that Town/Parish Council, in consultation with the local community.
- 4.5. The remaining CIL not identified as admin or Neighbourhood CIL – the Strategic CIL – must be applied to fund the provision, improvement, replacement, operation, or maintenance of infrastructure to support the development of its area. It is this element of CIL that the Framework Document will address.
- 4.6. The Framework Appraisal has been developed based around four main areas of assessment for specific projects/infrastructure areas, as set out below:

Justification	Why the project is required (including robust evidence demonstrating need), suitability of project, due regard to alternatives
Strategic Benefits	Links to existing and emerging Plans/Strategies and Corporate Objectives, consideration of funding gaps
Funding	Amount of CIL required/requested, estimated cost of project (including costs of maintenance/operation), other

	available funding sources (including unlocked match funding and time-limited funding)
Deliverability	Other approvals/consents required to bring project forward, timescales for delivery (short/medium/long term), potential impediments to delivery

- 4.7. It also includes a broader consideration of the CIL pot as a whole. The amount of CIL funding that has and will be collected is limited, and it is not anticipated that the levy will completely cover the cost of new infrastructure. Whilst some broad assumptions can be made about the amount of CIL that may be collected over certain periods, agreement of the spending programme should not constitute a commitment of specific amounts of CIL. Rather, it is to establish an anticipated level of funding and order of priority for the delivery of projects.
- 4.8. Town/Parish Councils without a Neighbourhood Plan are allocated 15% of the locally collected CIL and those with a Neighbourhood Plan are allocated 25%. The Borough Council is making an additional 10% of CIL collected available to Town/Parish Councils without a Neighbourhood Plan, in order to bring the amount of CIL receipts they can benefit from in their area up to the same level as the 25% that is automatically passed to areas with a Neighbourhood Plan. It should be noted that this additional 10% will be defined at Strategic CIL not Neighbourhood CIL in terms of how the Town/Parish Council can allocate it, in accordance with legislation.
- 4.9. Where the Town/Parish Council identify a particular eligible use of funds, this can be taken into account when considering expected levels of funding for other projects. Alternatively, a Town/Parish Council may opt to support bids from other bodies where the project will support the development of their area. As any additional CIL is subject to the narrower use of funds specifically towards infrastructure on the Borough Council's infrastructure list, it is not expected to significantly affect the ability of CIL to deliver the strategic priorities of the Borough.
- 4.10. The firm allocation of funds will be subject to further, more specific information about individual projects, similar to the current process used for S106 Planning Contributions. This is to provide certainty that the Borough Council can provide funding from levy receipts it currently holds, as well as provide an audit trail for the commitment and spend of funds.
- 4.11. In the long term, CIL should be allocated broadly in accordance with the funding gaps identified as part of the viability exercise for adoption, to ensure all infrastructure types are catered for.
- 4.12. The process for the application of Strategic CIL funds has been drawn up and is set out below. The first stage of this process has been undertaken, with the second step to be undertaken once the Framework has been adopted.
1. Identify priority projects through consultation with infrastructure providers
  2. Assess list of projects against framework appraisal document

3. Approve spending programme based on assessment outcomes
4. Notify beneficiaries of provisional funding allocations
5. Commit funding amounts once specific project details submitted
6. Release funding upon successful project completion
7. Monitor spend programme to address any change in priorities
8. Repeat full process as required (at least every five years)

4.13. The review step is to ensure there is some flexibility in how CIL funds are used. It will allow for reallocation of funding should certain projects stall or priorities change during delivery period, as well as account for changes in funding availability should CIL receipts be higher/lower than anticipated.

## **5. Alternative options considered and reasons for rejection**

5.1. There is the option to not approve the Framework Appraisal. If the document is not supported, or significant changes to the document are required before referral to Full Council, this will delay the Borough Council's ability to apply CIL funding towards relevant infrastructure and may push back or even prevent delivery of certain projects.

5.2. There is also the option to not support making the additional proportion of Strategic CIL available to areas without a Neighbourhood Plan. This would allow more of the Strategic CIL collected to be applied towards infrastructure but leave CIL funds less accessible to areas with no Neighbourhood Plan.

## **6. Risks and Uncertainties**

6.1. The allocation and spend of CIL will form part of the Annual Infrastructure Funding Statement. This is a public document containing details of planning contributions collected through S106 and CIL, which the Borough Council is required to publish each year. There is therefore a reputational risk around how the Borough Council is seen to be spending CIL.

6.2. By identifying priorities from infrastructure providers early in the process, and feeding this information through the Infrastructure Funding Statement, the Council will be able to demonstrate a clear roadmap for the application of CIL.

## **7. Implications**

### **7.1. Financial Implications**

There are expected costs associated with the implementation of the allocation and spend procedure. Any costs of administering the process should be covered through the proportion of CIL receipts that the Borough Council is allowed to retain for such purposes.

### **7.2. Legal Implications**

7.2.1. The management and spending of CIL receipts sits within a legislative framework as defined by the Planning Act 2008, the Community

Infrastructure Regulations 2010, and the Community Infrastructure Levy (Amendments) (England) (No.2) Regulations 2019. Any policies or procedures for the management and spending of CIL will be in accordance with the legislative framework.

7.2.2. There is an appeal process for the allocation of CIL prescribed in the regulations. The framework documents provides clarity on considerations for allocation so that the process is clear and transparent.

7.2.3. Exemptions or relief from the levy may be subject to subsidy control.

### 7.3. Equalities Implications

There are considered to be no particular equality implications that need addressing from matters arising from this report.

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

There are considered to be no direct community safety implications arising from matters covered in this report.

## 8. Link to Corporate Priorities

Quality of Life	Adoption of the allocation and spend process will facilitate the provision of education, healthcare, leisure and transport infrastructure, which will in turn benefit the quality of life of local residents.
Efficient Services	A clear and transparent process for assessing CIL projects will help Councillors and officers navigate the complexities of the CIL regime and speed up the delivery of infrastructure projects.
Sustainable Growth	The proposed process will need to be in place before CIL receipts can be applied towards the infrastructure required to support the sustainable growth of the Borough.
The Environment	Any impacts of new or improved infrastructure, such as impacts on ecology, will be considered through the Framework process when assessing infrastructure projects. Delivery of Bus Priority Measures in West Bridgford and Park & Ride facilities along the A52 corridor will also promote greener, more sustainable travel within the area.

## 9. Recommendation

It is RECOMMENDED that Cabinet approves the Draft CIL Framework Appraisal document and proposed allocation and spend procedure and recommends its adoption to Full Council.

<b>For more information contact:</b>	Andrew Pegram Service Manager – Planning 0115 914 8598 <a href="mailto:apegram@rushcliffe.gov.uk">apegram@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	<a href="#">Report to Growth and Development Scrutiny Group - 13 October 2021</a>
<b>List of appendices:</b>	Appendix A: Draft CIL Framework Appraisal Document



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# **Community Infrastructure Levy (CIL)**

**Framework Appraisal Document**

**Draft Version**

**November 2021**

## Context

The Community Infrastructure Levy (CIL) is a charge which can be levied by local authorities to raise funds from developments within their area, in order to help finance the infrastructure projects required to support new development.

The Borough Council adopted its Charging Schedule on 7 October 2019, which applies to most residential and retail development. Rates were set based on a viability assessment carried out as part of the development of the Local Plan, striking an appropriate balance between additional investment to support development and the potential effect on the viability of developments. Differential rates have been applied to residential schemes based on their location in the Borough, to account for differing land and property values.

The levy can be used to fund a wide range of infrastructure and gives local authorities the opportunity to choose what infrastructure they need to deliver their Development Plan. The Borough Council have identified the following areas of infrastructure to be wholly or partly funded by Community Infrastructure Levy funds:

- Provision of Park and Ride along the A52 corridor and bus priority measures in West Bridgford.
- Provision of or improvements to playing pitches and ancillary facilities.
- Provision of or improvements to indoor leisure provision.
- Provision of additional secondary school places across the Borough through new provision or extension to existing provision.
- Provision of health facilities across the Borough through new provision or extension to existing provision.

The above infrastructure areas have been considered the most appropriate to deliver on a strategic level. The categories are broad in scope, so a method of identifying specific projects to which CIL funds will be applied has been developed. The outcomes of this process will inform any necessary changes to the infrastructure list to ensure the infrastructure requirements of the Borough are met. Specifically identifying where CIL funds will be applied will provide more certainty to developers and infrastructure providers alike, and help inform negotiations for site-specific mitigation through S106 planning obligations.

## Statutory Requirements

The management and spending of CIL receipts sits within a legislative framework as defined by the Planning Act 2008 and the Community Infrastructure Regulations 2010. Part 7 the CIL Regs sets out how different elements of the CIL receipts collected by a local authority should be applied:

- The Borough Council can apply CIL receipts towards any administrative expenses associated with the operation of the CIL regime. This amount cannot exceed 5% of the total CIL receipts collected each year.
- Each year, 15% of all levy receipts collected in Parished areas, up to a cap of £100 per council-taxable dwelling in that area, must be passed to the relevant Town/Parish Council. This figure rises to 25% uncapped in areas with a Neighbourhood Plan. The Town/Parish Council can apply this Neighbourhood CIL towards a wider range of things than the rest of the levy, provided that it meets the requirement to support the development of the area.
- In non-Parished areas (such as West Bridgford and areas with a Parish Meeting), the Borough Council retains the levy receipts which would otherwise be passed to a Town/Parish Council for that area. These funds can be applied in the same way as other Neighbourhood CIL, with the Borough Council acting as if it were the relevant Town/Parish Council. This will be done in consultation with the local community – either through the West Bridgford Special Expenses and CIL Advisory Group, or on a case-by-case basis for other non-Parished areas.
- The remaining Strategic CIL is retained by the Borough Council and must be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area. It is the Strategic CIL element of the levy that this Framework Appraisal concerns.

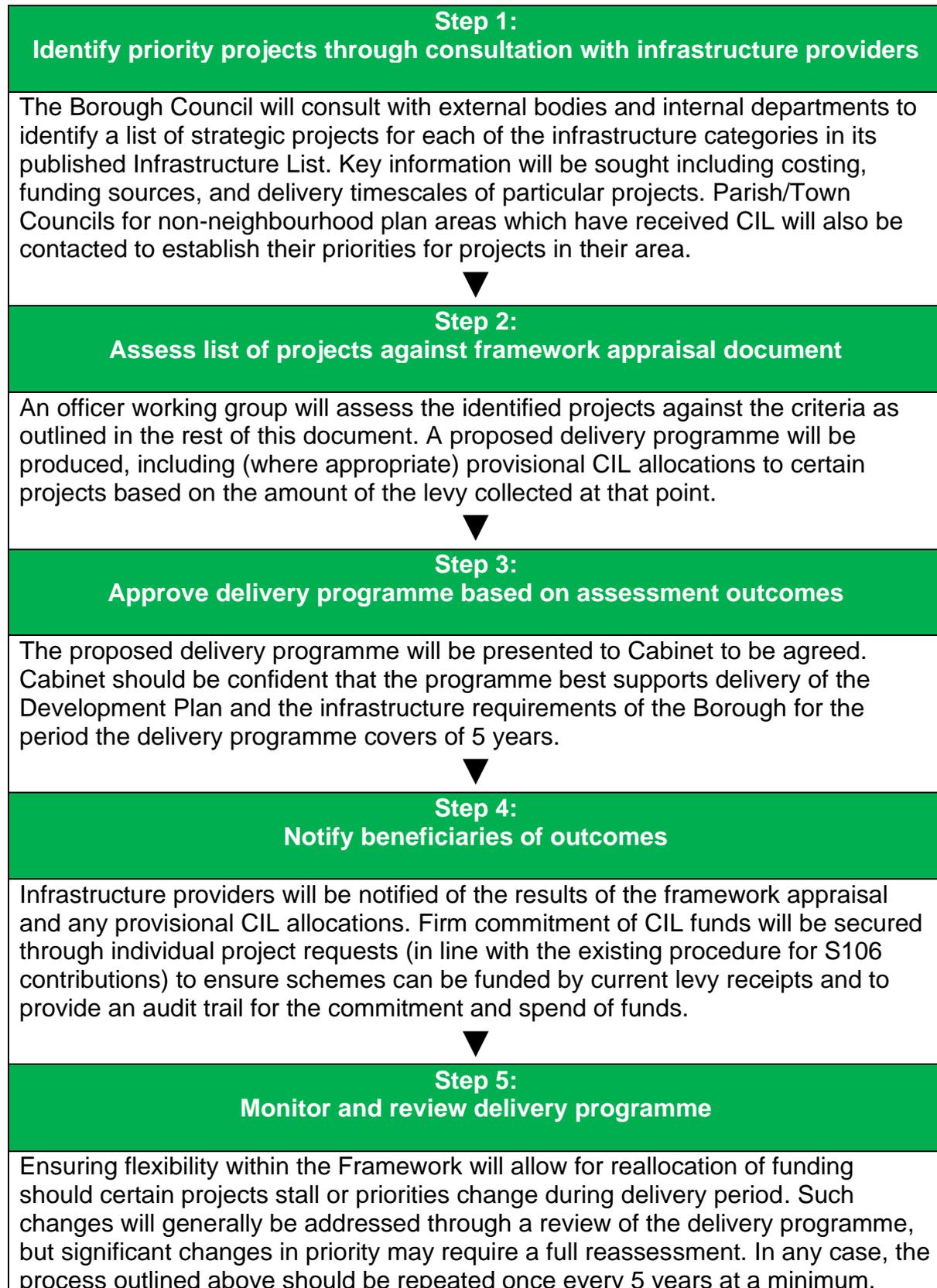
## Non-Neighbourhood Plan Areas

In many areas of the Borough, it will not be feasible or desirable for Parish Councils to develop and adopt a Neighbourhood Plan. The Borough Council is therefore providing a way for Parish Councils without a Neighbourhood Plan to access a set proportion of the Strategic CIL collected from liable developments in their area. This supplementary amount will bring the amount of CIL that may be applied locally up to the same 25% proportion which Neighbourhood Plan areas automatically benefit from.

It is important to note that these supplementary funds do not qualify as additional Neighbourhood CIL. The CIL Regulations do not allow a charging authority to increase the statutory amounts of CIL passed to local councils in accordance with Reg 59A and 59B. The Borough Council will remain responsible for the allocation and spend of this CIL and will be required to report on its use through the Annual Infrastructure Funding Statement. Provisions for the allocation and spend of this additional sum have been worked into this framework to ensure compliance with the restrictions on use of Strategic CIL.

As the additional funds being made accessible can still only be applied towards items included in the Borough Council's published Infrastructure List, it is not expected to significantly affect the ability of CIL to deliver the strategic priorities of the Borough. However, the use of this supplementary CIL will be monitored closely, and the above arrangements may need to be reviewed in future.

## Process Overview



## Identification of Projects

Prior to carrying out the Framework Appraisal, the Brough Council will contact relevant infrastructure providers to establish the priorities within each infrastructure category. Based on the current infrastructure list, these providers consist of:

- Nottinghamshire County Council Transport and Travel
- Rushcliffe Borough Council Communities (Internal)
- Nottinghamshire County Council Education
- NHS Rushcliffe Clinical Commissioning Group

As additional CIL allocations for non-Neighbourhood Plan areas are based on the value of CIL receipts collected within that area, information about potential projects from Parish/Town Councils will be sought at the same time as any statutory Neighbourhood CIL is passed to those local councils, to be included in the next assessment or review.

A baseline level of information will be required to allow for a full assessment of projects. Infrastructure providers will be made aware that, where this information is not available or forthcoming, this may lead to other projects being prioritised through the Framework Appraisal.

## Assessment of Projects

The purpose of the Framework Appraisal is to provide a clear and consistent method of assessing potential projects, and to identify where Strategic CIL funding is best applied to support the growth of the Borough and secure timely infrastructure delivery. The appraisal has been developed around four primary areas of consideration:

- **Justification** – Why the project is required (including robust evidence demonstrating need), suitability of project, and due regard to alternatives
- **Strategic Benefits** – Links to existing and emerging Plans/Strategies and Corporate Objectives, and consideration of infrastructure funding gaps
- **Funding** – Amount of CIL required/requested, estimated cost of projects (including costs of maintenance/operation), and other available funding sources (including unlocked match funding and time-limited funding)
- **Deliverability** – Other approvals/consents required to bring project forward, timescales for delivery (short/medium/long term), and potential impediments to delivery

The appraisal will be carried out by an officer working group, considering the information obtained from infrastructure providers and, where appropriate, non-Neighbourhood Plan Parish Councils. The overall outcomes will be presented as a report to Cabinet, accompanied by a proposed delivery programme detailing the key information used in the appraisal of individual projects.

## Framework Appraisal Categories

### Infrastructure Requirement

Details of the project/scheme to be delivered. This should identify the location, nature, and description of the proposal. Any potential alternatives or options for the scheme should be considered, particularly where there are any risks or uncertainties around delivery.

### Lead Provider

Identification of the key infrastructure provider (NCC, CCG, or RBC as appropriate), as well as any supporting partners.

### Supported Policies/Objectives

Information on what existing/emerging policies/strategies the proposal supports, both in terms of overall infrastructure delivery (RBC Local Plan Parts 1 and 2, Rushcliffe Infrastructure Delivery Plan (IDP), etc.) as well as those specific to individual infrastructure categories (Playing Pitch Strategy, Leisure Facilities Strategy, etc). There should be consistency in which policies/strategies are supported within each infrastructure category.

### Dependencies/Constraints

Identification of any risks to or specific requirements for project delivery (Reliance on other funding bids, securing a site, obtaining planning permission, etc.) Where there are any significant constraints or barriers to delivery, details of how these will be addressed or mitigated against will be required.

### Estimated Cost

The full cost of the project/proposal, including any potential maintenance/operational costs associated with the infrastructure. The Borough Council will generally not seek to apply CIL funds towards ongoing costs.

### Identified Funding Sources

Where known, information on what additional funding has been secured from other sources, as well as any time-limited or match funding streams which a CIL allocation may unlock. If a certain level of CIL is sought to ensure project delivery, this should also be stated.

### Strategic Importance

An identification of how important each project is to the delivery of infrastructure to support growth as identified within the Borough Council's Local Plan, the Infrastructure Delivery Plans that support the Local Plan, related policies, and other council objectives.

- **Critical** – The infrastructure proposed is critical to support delivery of the Local Plan and will need to be prioritised accordingly at the stage of implementation.
- **Important** – The infrastructure proposed is required to support development as well as overall strategy objectives but does not need to be prioritised over other projects.
- **Desirable** – The infrastructure proposed does not support significant development taking place but will facilitate the delivery of overall strategy objectives.

### Project Status

Information on how far progressed a project is. This may include details of what further steps need to be taken or are planned in order for the project to be confirmed as deliverable.

- **Deliverable** – There is a strong prospect of the project being delivered – infrastructure providers are committed to delivery, other funding sources and consents are in place, and there are no significant barriers/constraints on delivery.
- **Emerging** – Work has gone into developing the project but there may still be key unknowns about the proposal that need to be addressed before securing delivery.
- **Aspirational** – Projects identified by infrastructure providers which are planned to come forward in future, but where specific details have not been established.

### Delivery Timeframe

The anticipated delivery period in which the infrastructure will actually be provided. Where a project is phased, this may span multiple periods. Any more specific information on timings will be included to help inform the order of priority within timeframe brackets.

- **Short-Term** – Delivery within current delivery period (1-5 Years)
- **Medium-Term** – Delivery within next delivery period (6-10 Years)
- **Long-Term** – Delivery within future delivery periods (11+ Years)

### Current Priority

Projects will be prioritised based on the categories set out above. Specific feedback from key infrastructure providers about their own service priorities will also be accounted for.

### Provisional Allocation

The implementation of projects (especially short-term projects which are anticipated to come forward within the delivery period) may depend on infrastructure providers having assurance as to the amount of CIL funding that will be available. Generally, only projects where the estimated costs and other funding streams are fully identified will be considered for the provisional allocation of any CIL.

The exception would be any larger important or critical projects which may still be emerging but are reliant on further CIL funds being accrued. In this instance, it may be appropriate to reserve a level of available CIL funding in order to ensure these key projects can be delivered.

Additionally, the delivery plan will identify the supplementary amounts of Strategic CIL collected from non-Neighbourhood Plan areas. Where Parish Councils for these areas have identified an intended use for these funds, the project will be reported in the delivery plan and the amount of supplementary CIL allocated towards the project will be specified. Parish Councils will be expected to use or commit to use their statutory Neighbourhood CIL before seeking any supplemental Strategic CIL. Where no project has been identified or commenced by a Parish Council within 5 years of receipt, the supplementary CIL will be returned to the main Strategic CIL fund.

## Funding Gaps

In addition to the assessment criteria, an overall consideration of how levy receipts will be applied is necessary. CIL will in part address these funding gaps, but it is not anticipated that the level of levy receipts will completely cover the cost of required infrastructure. The funding gaps for each infrastructure category, expressed as a percentage of the overall funding gap, are as follows:

Infrastructure Item	Funding Gap
Provision of additional secondary school places across the Borough through new provision or extension to existing provision	40%
Provision of Park and Ride along the A52 corridor and bus priority measures in West Bridgford	20%
Provision of or improvements to indoor leisure provision	15%
Provision of health facilities across the Borough through new provision or extension to existing provision	15%
Provision of or improvements to playing pitches and ancillary facilities	10%

Over the lifetime of CIL, the Borough Council will track a cumulative total of sums committed/spent from CIL towards different infrastructure items, both looking as a percentage of receipts to date and as a proportion of the estimated £12.8 million of CIL income for the 2019-2028 period. These figures will be reported as part of each assessment and will be used to inform the long-term spending of CIL to ensure that all infrastructure areas benefit from levy receipts broadly proportional to the identified funding gaps. This will be particularly important when considering larger infrastructure items, which may need to build up a reserve fund of CIL before they can be implemented.

## Delivery Programme

The outcomes of the assessment process will be presented as a draft delivery programme (a worked example is provided at the end of this document). The programme is intended to assist in the comparison of the various projects and highlight areas of priority, as well as give an indication of a likely order of delivery and prospective levels of CIL funding towards projects.

Should the delivery programme be agreed, infrastructure providers will be informed of the outcomes including, where given, levels of provisional CIL allocation. The outcomes and programme will also be included as an appendix in the Borough Council's Annual Infrastructure Funding Statement.

## Delivery Programme – Worked Example

(Note that whilst the below table lists the projects identified for CIL funding by key infrastructure providers, the information is indicative and not based on a full assessment of the various schemes.)

Project Ref	Infrastructure Requirements	Lead Provider	Supported Policies/Objectives	Dependencies/Constraints	Estimated Cost	Identified Funding Sources	Strategic Importance	Project Status	Delivery Timeframe	Current Priority	Provisional Allocation
BP1	Park & Ride along the A52 corridor and Bus Priority Measures in West Bridgford	NCC			£3,500,000	None	Critical	Aspirational	Long-Term (11+ Years)	Low	
HC1	New Medical Centre in East Leake	CCG			TBC	S106, Central Government Levelling Up Funding Bid	Critical	Emerging	Short-Term (1-5 Years)	High	
HC2	New Medical Centre in Radcliffe on Trent	CCG		Currently exploring potential sites for new Medical Centre	TBC	S106	Critical	Emerging	Short-Term (1-5 Years)	High	
IL1	Cotgrave Leisure Centre	RBC			TBC		Important	Aspirational	Short-Term (1-5 Years)	Medium	
IL2	East Leake Leisure Centre	RBC			TBC		Important	Aspirational	Short-Term (1-5 Years)	Medium	
IL3	Keyworth Leisure Centre	RBC			TBC		Important	Aspirational	Short-Term (1-5 Years)	Medium	
PP1	Costock Road Playing Fields - New and Refurbished Pavilion	Parish Council / FA			£846,000	Football Foundation (£375,000), S106 (£275,000)	Important	Deliverable	Short-Term (1-5 Years)	High	
PP2	Bingham RFC - New Community Hub and Sports Facility	Sports Club / RFU / Town Council			TBC		Desirable	Deliverable	Short-Term (1-5 Years)	Medium	
PP3	Normanton Playing Fields - Development of Platt Lane Sports Facility	Sports Club / ECB / FA			TBC	S106	Important	Deliverable	Short-Term (1-5 Years)	High	
PP4	Land off Wilford Road - New Hockey Club Facility	RBC			£8,300,000	None	Important	Emerging	Medium-Term (6-10 Years)	Medium	
PP5	Bingham Leisure Centre - New ATP and Pavilion	Toot Hill School / England Athletics			TBC		Important	Aspirational	Medium-Term (6-10 Years)	Medium	
PP6	Nottinghamshire Sports Club	Sports Club / RFU			TBC		Desirable	Aspirational	Short-Term (1-5 Years)	Low	
PP7	Arthur Ridley Sports Ground	Town Council			TBC		Desirable	Aspirational	Short-Term (1-5 Years)	Low	
PP8	Ellerslie Cricket Club, West Bridgford – Cricket Ball Strike Nets	Cricket Club / ECB		If netting issue not resolved risk that pitch may become unusable	TBC (£50,000 - £100,000)	None (potential ECB funding)	Important	Emerging	Short-Term (1-5 Years)	Medium	
SE1	New Secondary School - Lady Bay/Gamston	NCC			TBC	None	Critical	Aspirational	Long-Term (11+ Years)	Low	

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**Cabinet**

**Tuesday, 23 November 2021**

**Ratcliffe on Soar Power Station Local Development Order**

## **Report of the Director – Development and Economic Growth**

### **Cabinet Portfolio Holder for Business and Growth, Councillor A Edyvean**

#### **1. Purpose of report**

- 1.1. This report seeks approval to progress a Local Development Order (LDO) for the Ratcliffe on Soar Power Station site, working with the site owner. An LDO would grant planning permission for the site's development, subject to any conditions applied to the order. In accordance with East Midlands Freeport and East Midlands Development Corporation aspirations for the site, the LDO would allow for the creation of a multi-use employment complex with a low-carbon energy focus.
- 1.2. Ratcliffe on Soar Power Station is a strategically significant site of around 265 hectares alongside the A453 at the western edge of Rushcliffe. The power station is due to close in line with government policy, which is to end coal-fired power generation by October 2024. The preparation of an LDO is presently seen as the best route to secure the reuse of those parts of the site that will be redundant after decommissioning and, at the same time, to provide planning consent in time to enable new businesses to be up and running by 30 September 2026. This is the final date by which businesses have to be operational in order to qualify for full Freeport benefits.
- 1.3. This report also seeks approval for a decision-making route for the LDO. It is proposed that a decision to approve the draft LDO is taken by Cabinet and a decision to adopt the LDO is taken by Full Council; and in the lead up to decision-making, the Local Development Framework Group considers and makes recommendations in respect of the draft LDO to Cabinet.

#### **2. Recommendation**

It is RECOMMENDED that Cabinet:

- a) approves the preparation of a Local Development Order for the Ratcliffe on Soar Power Station site;
- b) agrees that the Council enters into a Memorandum of Understanding with the site owner and works with them to prepare a draft Local Development Order to be brought back to Cabinet for approval;
- c) approves the draft timetable at Appendix A;

- d) approves the following additions to the terms of reference for the Local Development Framework Group in the Council's Constitution: "The Local Development Framework Group shall consider and make recommendations to Cabinet or Council on all draft Local Development Orders and any other relevant documents"; and
- e) agrees that the Director for Development and Economic Growth should act as Project Director for the Local Development Order and oversee its preparation and all associated consultations.

### **3. Reasons for Recommendation**

- 3.1. The Ratcliffe-on-Soar Power Station is due to cease operations by October 2024, which presents a significant redevelopment opportunity for major new business activity and associated job creation on the site. This potential is recognised and supported by the proposals to establish both the East Midlands Development Corporation (EMDC) and the East Midlands Freeport. The recently submitted outline business case for the Freeport identifies that it is expected that the build out of the site would need to begin during 2023. This is to allow sufficient time to enable relevant new businesses to be up and running by 30 September 2026, which is the final date for businesses to be operational in order to qualify for full Freeport benefits.
- 3.2. The case for allocating the site for new development and removing it from the Green Belt is being considered as part of preparing for the Greater Nottingham Strategic Plan (GNSP). However, it is currently expected that the GNSP will be adopted midway through 2023, which is not timely enough for the Freeport process. The Cabinet in May 2021 decided to endorse working with the site owner and the Freeport and EMDC to explore developing a Local Development Order or other suitable Order, to deliver greater planning certainty for the site. To enable work to proceed further and potentially give planning consent for development of the site ahead of the Local Plan process, it now needs to be decided which specific route to take. For the reasons identified within this report, it is considered that the most appropriate course of action is for the Council to work with the site owners to prepare a LDO. The LDO would give planning permission to develop the site, subject to any conditions applied to the order.
- 3.3. In preparing an LDO for the Ratcliffe site, consideration must be given to the decision making process. It is proposed that any decision to approve the draft LDO is taken by Cabinet and any decision to adopt the LDO is taken by Full Council. It is also proposed that, in the lead up to decisions being taken, the Local Development Framework Group considers and makes recommendations in respect of the draft LDO. This, however, will require an amendment to the group's terms of reference within the Council's Constitution.

### **4. Supporting Information**

- 4.1. The Ratcliffe-on-Soar Power Station within the Borough is a major energy generator and supplier to the National Grid and is owned and operated by

Uniper UK Limited. The site covers approximately 265 hectares (extending to the north and south of the A453) and is already a significant employment centre within the region. It is a strategically significant site given its size, its location alongside the A453 and next to the East Midlands Parkway Station on the Midland Main Line and its close proximity to the M1 and East Midlands Airport. The northern site forms the operational premises of the existing power station. The southern site is a permitted waste disposal facility for inert fly ash – a by-product of coal combustion.

- 4.2. As a consequence of the Government's strategy to phase out power generation from coal, the Ratcliffe-on-Soar Power Station is set to cease operations by October 2024. This presents a significant redevelopment opportunity for new business activity and associated job creation on a site which benefits in particular from good road and rail accessibility and also from the site's significant electricity distribution infrastructure.
- 4.3. This potential is recognised and supported by the proposals to establish both the East Midlands Development Corporation (EMDC) and the East Midlands Freeport. The aim of the EMDC would be to facilitate the delivery of significant economic development on this site, as well as at Toton and Chetwynd Barracks (in Broxtowe), and East Midlands Airport (in North West Leicestershire). The vision is that the Ratcliffe site specifically should be a focus for low-carbon energy generation technologies. As part of the East Midlands Freeport, which is centred on the East Midlands Airport, new businesses on a large part of the Ratcliffe site would be subject to relaxed custom and regulatory rules, which would apply over a time limited period. This includes relief from duties, import taxes and some administrative requirements, with the aim of attracting major inward investment by creating an enhanced environment for business innovation and competitiveness.
- 4.4. The recently submitted outline business case (OBC) for the Freeport sets out that it is expected the Ratcliffe site would deliver, in particular, low carbon energy, advanced manufacturing, circular economy and other high-tech industrial related developments. The OBC also identifies that it is expected that build out of the site would need to begin during 2023. This is to allow sufficient time to enable relevant new businesses to be up and running by 30 September 2026, which is the final date to be operational in order to qualify for full Freeport benefits. The Freeport is due to come into force during early 2022.
- 4.5. There are sizeable areas of the site which are currently not in active use, with further areas due to come forward following the closure of the coal-fired power station. Some existing uses would remain on site following closure of the power station. These include the gas fired turbine, National Grid substations and cabling. Infrastructure (including a railway siding, water supply and water treatment works) are also likely to remain.
- 4.6. In accordance with the Freeport and EMDC related aspirations, the emerging vision for the site is the creation of a multi-use complex with a low-carbon energy focus to both the north and south sides of the A453, with related uses potentially including:

- Low carbon and green energy generation;
  - Energy storage;
  - Industrial, manufacturing and data operations with high energy demands;
  - Advanced manufacturing and logistics;
  - Research and training facilities; and
  - Complementary and other uses.
- 4.7. In terms of its existing planning status, the site is entirely covered by the designated Nottingham-Derby Green Belt and none of the land is currently allocated for development within the Rushcliffe Local Plan. Within the Green Belt there is a presumption against most types of development; although in the case of the partial or complete redevelopment of previously developed sites, national policy allows for development to take place within the Green Belt provided that it would not have a greater impact on the openness of the Green Belt than the existing development. Otherwise, where development would be inappropriate within the Green Belt, development should not be approved except in very special circumstances.
- 4.8. The case for allocating the site for new development and removing it from the Green Belt is being considered as part of preparing the Greater Nottingham Strategic Plan (GNSP). The Borough Council is working jointly with Broxtowe Borough, Gedling Borough, and Nottingham City Councils to prepare the GNSP which would cover the period to 2038. It would, for Rushcliffe, form the first part of a new Rushcliffe Local Plan and replace the 2014 Rushcliffe Local Plan Part 1: Core Strategy. The Ratcliffe site was identified as having potential for redevelopment as part of the GNSP's Growth Options consultation document (at page 51) which was published in July 2020. The 'Nottingham Core HMA and Nottingham Outer HMA Employment Land Needs Study', which was published in May 2021 as supporting evidence for the GNSP, has recommended the allocation of the site for employment uses. It states: "The site is suitable for research & development uses located adjacent to the East Midlands Parkway Railway Station, science park and advanced manufacturing uses on the site south of the A453 and more energy-intensive low-carbon technology industries on the site north of the A453" (page 126). It is currently expected that the GNSP will be adopted midway through 2023 at the earliest.
- 4.9. The Cabinet, in May 2021, considered a report on the East Midlands Freeport. The report highlighted the importance of the Council, in its capacity as Local Planning Authority, working with the landowner at Ratcliffe on Soar Power Station to explore options to support the early delivery of the site. The report also identified five potential routes that could be pursued to provide consent for development of the site, including allocation via the Local Plan process. However, as the Local Plan is unlikely to be adopted before mid-2023, this is not timely enough for the Freeport process. The other potential routes were preparation of a Special Development Order (SDO), a Development Consent Order (DCO), a Local Development Order (LDO) and a landowner led planning application. The Cabinet, in May 2021, decided to endorse working with the site owner and the Freeport and Development Corporation to explore developing a Local Development Order or other suitable Order, to deliver greater planning certainty for the site.

- 4.10. It was not previously decided which specific consent route should be followed in order to allow the various options to be considered further. As reported to Cabinet in May 2021; however, a decision would be needed at the point where the procedural requirements differ – for example, the procedures to be followed and consultees to be engaged differ under the Town and Country Planning Act (1990) and Planning Act (2008). In addition to provide clarity about proposals, it would be preferable to have the chosen option selected ahead of any community consultation and engagement activities. The point where a decision needs to be made has now been reached.
- 4.11. The potential use of a SDO or DCO would both require the direct involvement of Government and this, at present, is considered unlikely. The preparation of an LDO would; however, be Council led and enable planning permission to be granted for a specific development proposal within a defined geographical area. The LDO route would provide the Council with more control over shaping the future use of the site as it is not a reactive process like receiving and determining a planning application. The Government's Freeport prospectus also encourages the use of LDOs for supporting the delivery of Freeports. It is therefore considered that there is a strong case for preparing an LDO to provide planning consent for development of the Ratcliffe site, subject to the LDO's adoption and any conditions applied to the order. It is important to note; however, that to adopt an LDO for a major site within the Green Belt, the Council will need to be able to demonstrate that 'very special circumstances' exist which outweigh the potential harm to the Green Belt by reason of inappropriateness.
- 4.12. The National Planning Policy Framework (NPPF) encourages Local Planning Authorities (LPAs) to use LDOs to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area. An LDO can simplify the planning process and incentivise development by providing up front planning consent, which would provide investors and developers with more certainty and make investment more attractive. As the stakeholder engagement, public consultation, technical studies, and environmental assessments undertaken as part of preparation are frontloaded, once an LDO is adopted, development can come forward more quickly, provided it is compliant with the parameters, development/design considerations and any conditions imposed through the order.
- 4.13. LDOs provide LPAs with the opportunity to shape development on appropriate sites in more detail than might be achieved through a local plan allocation or a planning brief. They enable flexibility as to the approach that can be taken, including the ability to grant unconditional permission or be subject to conditions. There is also the ability for an LDO to be time limited or permanent. The exact form that the LDO will take will need to be determined as part of its preparation process. Once in place, LDOs can be revoked or modified by the LPA at any point.
- 4.14. Guidance produced by the Planning Advisory Service (part of the Local Government Association), emphasises the merit of collaboration between LPAs and landowners in preparing LDOs, as this provides increased certainty that development on a site will come forward. The guidance also identifies the

opportunity for the LPA and the landowner to share the costs and resources of preparing the LDO. It is proposed that the Council continues to work with the site owner, Uniper, as the LDO is prepared, given Uniper's important role in promoting and releasing the site for development. The Council would lead and oversee the process of LDO preparation, and it would be the Council's decision alone to agree the draft LDO and then, at the end of the process, to adopt and bring it in to force. Uniper has indicated its willingness to support preparation of the LDO, including to provide and pay for consultancy expertise to, in particular, prepare supporting technical evidence (for example, the Environmental Impact Assessment). Uniper has appointed Ove Arup & Partners Ltd to provide this expert support.

4.15. The required process for bringing forward an LDO can be summarised as follows:

- Preparation of a draft LDO;
- Preparation of a 'Statement of Reasons' that includes:
  - i) the description of the permitted development; and
  - ii) a definition of the area that it effects.
- Publication of draft LDO and Statement of Reasons and formal consultation on both;
- Consideration of representations and drafting of any modifications;
- Decision to adopt; and
- Notification to the Secretary of State.

4.16. In terms of governance, the key decision making points within this process are to agree the draft LDO and to adopt the final LDO, with legislation requiring that an LDO is adopted by resolution of the LPA. It is proposed that, in this case, any decision to approve the draft LDO is taken by Cabinet and any decision to adopt the LDO is taken by Full Council. It is also proposed that, in the lead up to decision-making, the Local Development Framework Group considers and makes recommendations in respect of the draft LDO. This will require an amendment to the Group's terms of reference within the Council's Constitution. It is proposed that the following wording is added: "The Local Development Framework Group shall consider and make recommendations to Cabinet or Council on all Local Development Orders and any other relevant documents". It is also proposed that the Director for Development and Economic Growth acts as Project Director for the LDO and oversees its preparation and all associated consultation.

4.17. One of the first key tasks in preparing the LDO would be an early round of public consultation. It is anticipated that this would be between 29 November and 10 January 2022. As the PAS guidance highlights, early engagement with the community and other key stakeholders, both to explain the objectives of the LDO and to ensure that their input on ideas and aspirations are taken account of, is very important.

## **5. Alternative options considered and reasons for rejection**

The Council could choose to take a more reactive approach to the redevelopment/regeneration of the Ratcliffe on Soar site and not prepare a LDO. However, as set out, the site is significant in size and location and there are time factors to consider such as the potential impact of the Freeport over the next five years, and the timing of the end of coal-powered electricity production. The Council could choose to leave consideration of the site's suitability for new development to the Local Plan process, however, this is not likely to be timely enough for the Freeport process. The LDO route would provide the Council with more control over shaping the future use of the site. It should also help to ensure the delivery of relevant development by the end of September 2026, which is the final date for businesses to be operational in order to qualify for the full benefits of being part of the East Midlands Freeport. The potential use of a Special Development Order or Development Consent Order has also been considered but would both require the direct involvement of Government and this, at present, is considered unlikely.

## **6. Risks and Uncertainties**

- 6.1. There is a risk that the Ratcliffe on Soar Power Station site remains undeveloped following its decommissioning; however, preparation of a LDO should help to mitigate this risk.
- 6.2. There is also a risk that the Freeport does not get formal status following the completion of the full business case. However, a commitment to prepare a LDO, and for this to be outlined in the full business case, should help in part to ensure that this does not happen. If the Freeport does not get formal status this would have a bearing on the justification for preparing the LDO and therefore how to proceed would need to be reviewed.

## **7. Implications**

### **7.1. Financial Implications**

- 7.1.1 There will be financial costs associated with the work required to prepare the LDO and also a loss of potential planning application fee income by granting planning permission on the site through this alternative route.
- 7.1.2 The costs of preparing the LDO are likely to be relatively high given the complexity of the development proposal, but most of this will be associated with the preparation of supporting technical evidence, which the site owners, Uniper, have appointed consultants and are paying them to undertake. Council officer time will be required to support the various stages of preparation, but this will have to be contained within existing resources, unless there is scope to bid for supporting funding as part of the Freeport full business case. This is being explored further.
- 7.1.3 The upfront costs that will need to be borne by the Council and the associated loss of potential planning fee income should; however, be considered and balanced against the longer term benefits of facilitating

significant and sustainable economic growth. There may also be scope to mitigate the costs of LDO preparation and implementation, at least in part, if a fee for submissions seeking conformity with the LDO and its conditions can reasonably be charged. What scope there is for fees to be charged will need to be considered further as part of the LDO's preparation.

## 7.2 Legal Implications

7.2.1 LPAs can grant planning permission for development specified in a LDO. The legislative procedures that must be followed in order to bring forward and adopt a LDO are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and Articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Schedule 4A(3) of the 1990 Act specifies that an LDO is of no effect unless it is adopted by resolution of the LPA.

7.2.2 The Council's Constitution does not reference an LDO specifically; however, it does reference planning matters as decisions for Cabinet/Council. The proposed governance route as set out in the recommendations is therefore appropriate.

## 7.3 Equalities Implications

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

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

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

## 8. Link to Corporate Priorities

Quality of Life	The development of the Ratcliffe on Soar Power station site has the potential to benefit local residents' quality of life through the provision of new jobs and improved infrastructure, including blue and green infrastructure.
Efficient Services	
Sustainable Growth	The development of the Ratcliffe site through an LDO could attract a significant number of new businesses and jobs. The order would need to set appropriate parameters and conditions to ensure that development is acceptable in planning and sustainability terms.

The Environment	The vision for the Ratcliffe site is to move towards becoming a zero-carbon technology and energy hub for the East Midlands. Emerging development plans have the potential to create jobs based around modern industrial and manufacturing uses, with sustainable onsite energy generation providing a local source of low carbon heat and power.
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## 9. Recommendation

It is RECOMMENDED that Cabinet:

- a) approves the preparation of a Local Development Order for the Ratcliffe on Soar Power Station site;
- b) agrees that the Council enters into a Memorandum of Understanding with the site owner and works with them to prepare a draft Local Development Order to be brought back to Cabinet for approval;
- c) approves the draft timetable at Appendix A;
- d) approves the following additions to the terms of reference for the Local Development Framework Group in the Council’s Constitution: “The Local Development Framework Group shall consider and make recommendations to Cabinet or Council on all draft Local Development Orders and any other relevant documents”; and
- e) agrees that the Director for Development and Economic Growth should act as Project Director for the Local Development Order and oversee its preparation and all associated consultations.

<b>For more information contact:</b>	Richard Mapletoft Planning Policy Manager 0115 914 8457 <a href="mailto:rmapletoft@rushcliffe.gov.uk">rmapletoft@rushcliffe.gov.uk</a>
<b>Background papers available for inspection:</b>	Greater Nottingham Strategic Plan Growth Options Consultation, July 2020: <a href="https://gnplan.inconsult.uk/gf2.tif/1243650/90676165.1/PDF/-/Greater%20Nottingham%20Strategic%20Plan%20Growth%20Options%20web%20version.pdf">https://gnplan.inconsult.uk/gf2.tif/1243650/90676165.1/PDF/-/Greater Nottingham Strategic Plan Growth Options web version.pdf</a>  Nottingham Core HMA and Nottingham Outer HMA Employment Land Needs Study: <a href="https://www.gnplan.org.uk/media/3332934/employment-land-needs-study-may-21.pdf">https://www.gnplan.org.uk/media/3332934/employment-land-needs-study-may-21.pdf</a>
<b>List of appendices:</b>	Appendix 1: Draft Local Development Order preparation timetable

## Appendix 1: Draft Local Development Order preparation timetable

Date	Decision/key stage	Meeting
9 November 2021	<ul style="list-style-type: none"> <li>• Approve preparation of a Local Development Order (LDO);</li> <li>• To amend terms of reference for the Local Development Framework Group;</li> <li>• To commence consultation; and</li> <li>• To enter into Memorandum of Understanding with the site owners Uniper.</li> </ul>	Cabinet
29 November 2021 until 10 January 2022	Pre-draft LDO consultation	N/A
December 2021	Update on pre-draft LDO consultation and outline of next steps	Local Development Framework Group
April or May 2022	Consider proposed draft LDO prior to Cabinet	Local Development Framework Group
May or June 2022	Decision to approve draft LDO	Cabinet
Late May or late June 2022 for minimum 4 weeks	Statutory consultation on draft Local Development Order	N/A
August to October 2022	Consider proposed draft modifications to the LDO	Local Development Framework Group
October or November 2022	Decision to adopt Local Development Order	Council



**Cabinet**

**Tuesday, 23 November 2021**

**Covid 19: Update Report**

## **Report of the Chief Executive**

**Cabinet Portfolio Holder for Strategic and Borough Wide Leadership,  
Councillor S J Robinson**

### **1. Purpose of report**

Following the report of the Chief Executive to Cabinet on 13 July 2021, this report is to update the Cabinet on the work completed as part of the Council's continued response to Covid 19.

### **2. Recommendation**

It is RECOMMENDED that Cabinet notes the work of officers of the Council and partners in responding to and supporting the recovery from Covid 19.

### **3. Reasons for recommendation**

- 3.1. This report provides an update on the current impact of Covid 19 and how this has changed since the last report in July 2021. It sets out the response of the Council, and its partners, to the pandemic.
- 3.2. The report is correct at the time of writing but as we have experienced, the situation can change quickly. It is important, therefore, that we remain flexible and responsive to these new challenges, and the report reflects the need to do this.

### **4. Supporting information**

- 4.1. Since the report in July 2021, restrictions have been further eased on 19 July (as set out in the table below). This was the final step on the Government's road map and meant the ceasing of all mandatory restrictions. There is however still guidance in place on the wearing of face masks in certain places e.g. when travelling on public transport, in shops etc.
- 4.2. The table below sets out a high level overview of the final easing of restrictions that took place in July:

<b>Lockdown restrictions easing:</b>	
<b>19 July 2021</b>	<ul style="list-style-type: none"><li>• Government removed all legal limits on social contact.</li></ul>

	<ul style="list-style-type: none"> <li>• Reopened remaining premises, including nightclubs, and eased the restrictions on large events and performances including weddings and other life events.</li> <li>• Wearing a face mask is no longer mandatory in most places but is advised in certain settings e.g. when travelling on public transport.</li> </ul>
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4.3. Since the last update to Cabinet in July 2021, the Borough Council has continued with work on Covid response, supporting our residents and businesses. Some of this has been delivered using the European Regional Development Fund Welcome Back Funding (£106,208) which was allocated to the Borough Council to support the safe reopening of our high streets. The activity undertaken includes:

- An enhanced events programme in West Bridgford which included (further detail in paragraph 4.8):
  - Taste of Rushcliffe – Saturday 3 July.
  - Outdoor Theatre (The Tales of Peter Rabbit and A Midsummer Night’s Dream) – Saturday 21 August.
  - Family fun day and crazy golf – Saturday 28 and Sunday 29 August.
  - Sunday Cinema – Sunday 29 August and Sunday 12 September.
  - Pumpkin carving for Halloween (Saturday 30 October).
- Appointment of a temporary high street/town centre manager to work in our town centres to support local businesses and deliver initiatives to drive up footfall.
- We ringfenced an allocation of £10,000 for each of the six larger town/parish councils. The Economic Growth Team has been working closely with them all and some have started to deliver activity using this funding and most are making plans for additional events and other initiatives including external decoration e.g. repainting benches/bollards etc.
- Rushcliffe Business Partnership has started networking in person again and the first event was on 1 October at Escabeche. This attracted around 25 local businesses.

4.4. The leisure centres are all generally operating well, and recovery continues with numbers and usage at about 80% of pre-pandemic levels. Swimming lessons are proving very popular and are back up to normal levels. Work is planned to start later in November to refurbish and convert the old indoor bowls hall to a new sports and exercise hall and we continue to work with Lex to identify programmes and classes that will attract the older generation as well as honour our commitment to bowls club members. The Council committed to support any bowls club members who wished to join a new local club and has paid around 40 membership fees for ex members of the Rushcliffe Indoor Bowls club with total costs of around £2k. Officers continue to carry out checks as part of their contract management duties to ensure the areas are clean and Covid compliant, and user feedback has in the main been very positive with many happy to be back exercising. Golf usage has been very good over the summer period and the course has received many plaudits for its current condition from the golf committee and user feedback is very positive.

- 4.5. In addition, Rushcliffe Borough Council was allocated £37,290.82 from Nottinghamshire County Council (Department for Education funding) to deliver the Summer Holiday Activities and Food Programme 2021, aimed at providing healthy food and enriching activities to children aged 5-16, who are eligible for free school meals. Children only have to be eligible, and it is self-certified.
- 4.6. Since November 2020, the Revenues and Finance teams have made over 6,500 payments and £15m paid out. There is Additional Restrictions Grant (ARG) funding remaining and proposals are being developed on how this could be allocated including the possibility of grants to support businesses.
- 4.7. The Council continues to maintain a high level of service delivery since the start of the pandemic, shifting resources where required. To date, the direct impact of Covid 19 on the Council in terms of staff sickness or those self-isolating has been, of the approximately 260 employees, up to the end of September 2021 (since the start of the pandemic):
- 31 employees tested positive for COVID; and
  - 97 staff have self-isolated to date (this includes those that isolated and continued to work and those who did not work as their role did not enable them to work from home).

### **Events Programme**

- 4.8. The enhanced summer events programme, supported by the Welcome Back Funding, was very well received by local residents. Attendance for all events was good and social media engagement was high, with a total audience reach of approx. 77,000.
- 4.9. The enhanced programme started on Saturday, 21 August with two outdoor theatre performances. Then the Croquet Lawn on Central Avenue and the car park at Soothe on Melton Road were the locations for Bank Holiday weekend. There was a have a go circus skills workshop, a pop-up picnic site, sand sculpting workshops, caricaturists and Punch and Judy shows. Hundreds of visitors came along to take part in some of the activities.
- 4.10. On Saturday 4 and Sunday, 5 September Crazy Golf took place on the Croquet Lawn which was extremely well attended. The first free Sunday Cinema event took place on Sunday, 12 September and this was repeated on 26 September in Bridgford Park with four screenings over the two dates. All shows proved very popular with our residents and over a thousand people attended.
- 4.11. 18 September saw the return of one of the flagship events – Proms in the Park, originally planned for June, then postponed due to Covid 19. There was a record attendance with thousands visiting the park in West Bridgford throughout the day. The Council has received some great feedback across the period and are exceptionally pleased with the successful delivery of the programme.

- 4.12. The Christmas light switch on in West Bridgford will take place on Saturday, 27 November, subject to no new Covid 19 restrictions being implemented. The event is being planned with a revised site layout to increase circulation space on Central Avenue. Fairground rides have been removed to avoid the creation of congestion points and create capacity for other activities such as a street market, outdoor seating areas and walkabout entertainment. Fireworks used in the switch on finale will be a low noise variety, as per the Council's new policy for responsible firework usage.

### **Partners and Community**

- 4.13. In September 2021, Cabinet approved a report to sign up to a new Nottingham and Nottinghamshire Compact which had been developed by the Local Resilience Forum and Nottinghamshire County Council for adoption by relevant public authorities to build on the successful response by the voluntary and community sector during the Covid 19 pandemic. The Compact and its principles will demonstrate the Council's ongoing commitment to the voluntary and community sector in the Borough as we progress through recovery and beyond.
- 4.14. Following approval at Cabinet in June 2021, the Council has been developing its final plans for a Covid 19 memorial garden, which will be created as a dedicated place for quiet reflection for bereaved families from across the Borough. The garden will be located in Bridgford Park, West Bridgford, and the scheme will include a monument, a small seating area and landscaping. It is hoped that the memorial will be ready for early 2022, to coincide with the first anniversary of the pandemic.

### **Commercial Property**

- 4.15. The Property Team has worked closely with commercial tenants to support them throughout the pandemic, and this has resulted in occupation levels of council owned commercial property remaining high at around 96% year to date. Any vacancies are being proactively marketed to secure new tenants.
- 4.16. One of the ways the team supported our business tenants was by offering rent holidays to those that needed them. A total of £134,073 rent holiday has been provided to 24 tenants, of which £68,595 has been invoiced and collected. 14 tenants have cleared debts, 10 remain with payment plans in place or plans to be updated. Outstanding rent holiday is £65,478.

### **Track and Trace and Vaccination Centres**

- 4.17. The mass vaccinations programme has been rolled out across the country and those over 50 are now being encouraged to have their Covid booster vaccinations. This is predominantly being delivered at doctors' surgeries, community pharmacies and hospitals. Gamston Community Hall had been operating as a vaccination site, but this was handed back to the Council on 18 October as it is no longer required. The Hall is not yet available for community

use as some essential works are required which will take place in November 2021, as part of our planned capital programme of works.

- 4.18. A mobile testing site continues to visit Cotgrave each Wednesday and Saturday and Bingham every Tuesday and Friday.
- 4.19. The Council continues to help support individuals who are self-isolating (from 16 August 2021, if you are fully vaccinated you are not required to self-isolate if you are notified you have had close contact with someone with Covid 19 or if you are aged under 18 years and six months), who are on low incomes and cannot work from home, with £500 payments from government funding. The scheme and funding has now been extended until 31 March 2022, and at the time of writing 747 applications have been received, 300 payments have been made, amounting to £150,000 (from funding of £265,500) and there are 36 applications currently pending further information. All other applications have been rejected due to not meeting the necessary criteria.

### **Performance**

- 4.20. The Council is well aware of the impact on service performance from Covid. The Corporate Overview Group continue to monitor performance and a suite of indicators have been produced which show the impact of Covid on Council performance. Importantly the Council has continued to provide essential services in what has been an extremely challenging environment for everyone.

## **5. Alternative options considered and reasons for rejection**

This is an update report on the work done since July 2021, in response to the Covid 19 pandemic. For the different areas of work, officers and Councillors considered different options as required. The response and recovery will continue to be flexible to be able to respond to changes in regulations.

## **6. Risks and uncertainties**

Covid 19, in itself, creates much risk for the Council both in its ability to deliver its Corporate Priorities and the impact on the Council's budget.

## **7. Implications**

### **7.1. Financial Implications**

The financial impact of Covid has been reported through the Council's normal financial and performance reporting processes throughout the pandemic.

### **7.2. Legal Implications**

There are no legal implications associated with this report; decisions have been taken in accordance with the Constitution.

### 7.3. Equalities Implications

The pandemic has had a disproportionate economic impact on some people including young people. This impact is being considered in the recovery work, with activity being targeted across Rushcliffe, Nottinghamshire and the wider D2N2 area as required.

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

While the pandemic has had an impact on crime and disorder, most notably an increase in reports of domestic abuse and anti-social behaviour in some parks/open spaces, there are no crime and disorder implications associated with the contents of this report.

## 8. Link to Corporate Priorities

Quality of Life	The response and recovery from Covid 19 is in place to ensure we maintain the quality of life for our residents.
Efficient Services	<p>In response to Covid 19, staff have had to be redeployed to ensure essential services for our residents could be maintained.</p> <p>The pandemic has had a significant impact on Council budgets and the Transformation Programme will continue to be updated as part of the Council's Medium Term Financial Strategy as a vehicle to deliver efficiencies.</p>
Sustainable Growth	<p>The pandemic has had a significant impact on our businesses and, therefore, a package of support (from national and local government) has been put in place to support those businesses who have been impacted the most.</p> <p>We will continue to work with our partners to support our businesses to survive the pandemic and grow as the economy recovers.</p>
The Environment	The focus of recovery is supporting a green economic recovery. This includes for the Council adapting the way it works, e.g. continued working from home, but also supporting our businesses to change the way they work too.

## 9. Recommendation

It is RECOMMENDED that Cabinet notes the work of officers of the Council and partners in responding to and supporting the recovery from Covid 19.

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<b>Background papers available for Inspection:</b>	Report to Cabinet May 2020 Report to Cabinet November 2020 Report to Cabinet December 2020 Report to Cabinet February 2021 Report to Cabinet May 2021 Report to Cabinet in July 2021
<b>List of appendices:</b>	None

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