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**Direct dial** 0115 914 8320  
**Email** democraticservices@rushcliffe.gov.uk

**Our reference:**  
**Your reference:**  
**Date:** Monday, 4 May 2026

To all Members of the Cabinet

Dear Councillor

A Meeting of the Cabinet will be held on Tuesday, 12 May 2026 at 7.00 pm in the Council Chamber Area B, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

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

Yours sincerely



Sara Pregon  
Monitoring Officer

## **AGENDA**

1. Apologies for Absence
2. Declarations of Interest
- [Link to further information in the Council's Constitution](#)
3. Minutes of the Meeting held on 14 April 2026 (Pages 1 - 2)
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.

**Email:**  
customerservices  
@rushcliffe.gov.uk

**Telephone:**  
0115 981 9911

[www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk)

**Postal address**  
Rushcliffe Borough  
Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
Nottingham  
NG2 7YG

## NON-KEY DECISIONS

6. East Midlands Freeport Change of Accountable Body (Pages 3 - 18)

The report of the Chief Executive is attached.

7. Ratcliffe on Soar Power Station Local Development Order - Amendment (Pages 19 - 194)

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

### Membership

Chair: Councillor N Clarke

Vice-Chair: Councillor A Brennan

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

### **Meeting Room Guidance**

**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**

National legislation permits 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, 14 APRIL 2026**

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

### **PRESENT:**

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

### **OFFICERS IN ATTENDANCE:**

D Banks	Director of Neighbourhoods
A Hill	Chief Executive
P Linfield	Director of Finance and Corporate Services
S Pregon	Monitoring Officer
H Tambini	Democratic Services Manager

The Leader advised that there had been a change to the published agenda and Item 7 was being withdrawn. Further information was required before the report could be considered to address concerns of stakeholders. A report on the Local Development Order would now be brought to Cabinet on 12 May for consideration.

#### **72 Declarations of Interest**

There were no declarations of interest made.

#### **73 Minutes of the Meeting held on 10 March 2026**

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

#### **74 Citizens' Questions**

There were no Citizens' questions.

#### **75 Opposition Group Leaders' Questions**

The Leader advised that a question was submitted by Cllr J Walker but as it was connected to Item 7, which had now been withdrawn, the question no longer met the criteria for Opposition Group Leaders' Questions, as outlined in the Constitution and it had therefore also been withdrawn.

## 76 **Update to the Private Sector Housing Enforcement Policy 2026-2031**

The Cabinet Portfolio Holder for Planning and Housing, Councillor Upton, presented the report of the Director – Neighbourhoods, which detailed the updated Private Sector Housing Enforcement Policy 2026-2031.

Councillor Upton stated that Cabinet was asked to consider and approve the adoption of a new Policy, to ensure compliance with the Renters Rights Act 2025, which would come into force on 1 May 2026, with details of the Policy outlined in Appendix 1 to the report. Councillor Upton referred to the changes to private rented sector tenancies, which would come into force from 1 May, as detailed in paragraph 4.4 of the report. The Policy gave information on how the Council intended to enforce compliance with the legislation, including housing conditions in Private Sector and Registered Provider properties, and landlords' obligations in the Private Rented Sector. Councillor Upton confirmed that the updated Policy retained all the existing Housing Act 2004, licensing, public health and environmental health enforcement processes from the version approved in 2024 and it remained part of the Council's Corporate Enforcement Policy.

In seconding the recommendation, Councillor Inglis welcomed this report for the benefits it brought to tenants, with new powers afforded to officers and landlord responsibilities, in advance of the Renters Rights Act coming into force. He stated that whilst the majority of landlords were responsible, Councillors were all aware of tenants' complaints related to rented accommodation and factors negatively affecting their quality of life and health. The Policy addressed many of those issues and detailed how they would be managed and enforced where necessary. He felt that it was essential that the Policy was adopted to align with the new legislation coming into effect on 1 May 2026.

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

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

The meeting closed at 7.06 pm.

CHAIR



**Cabinet**

**Tuesday, 12 May 2026**

**East Midlands Freeport Change of Accountable Body**

## **Report of the Chief Executive**

**Cabinet Portfolio Holder for Strategic and Borough-wide Leadership,  
Councillor N Clarke**

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

The purpose of this report is to seek Cabinet support for the transfer of Accountable Body Status of the East Midlands Freeport (EMF) from Leicestershire County Council to East Midlands Combined County Authority (EMCCA).

### **2. Recommendation**

It is RECOMMENDED that Cabinet:

- a) approves the transfer of accountable body status for the East Midlands Freeport (EMF) from Leicestershire County Council (LCC) to the East Midlands Combined County Authority (EMCCA);
- b) agrees to EMCCA becoming a founder member of the East Midlands Freeport; and
- c) agrees the necessary changes to the governance documents to enable this transfer to take place in accordance with the principles set out in this report.

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

This path is preferred, as it allows for the necessary transfer of responsibilities, while limiting changes to the governance documents to administrative matters, thus preserving the integrity and stability of the existing arrangements. The Chief Executive is the designated member representative of the EMF. This proposal changes the principles on which EMF was founded when it agreed to join the company. It is, therefore, appropriate for Cabinet to consider any changes to those arrangements.

## 4. Supporting Information

### Accountable Body

- 4.1. East Midlands Freeport (EMF) was incorporated as EMF Ltd in July 2022 as a company limited by guarantee. The final business case was signed off by government on 30 March 2023. It is the only inland Freeport (with East Midlands Airport acting as the 'port') as part of a programme of Freeport creation by the government of the time. The Freeport covers three specific sites, namely:
- Ratcliffe on Soar former Power Station site in Rushcliffe
  - East Midlands Airport and Gateway Industrial Cluster (EMAGIC) in North West Leicestershire
  - East Midlands Intermodal Park (EMIP) in South Derbyshire.
- 4.2. EMF has twelve founding members - six corporate partners and six local authorities, each appointing a director to the Board. Local authority representation on the Board is typically by Leaders or portfolio holders. An independent Chair brings the total Board membership to thirteen.
- 4.3. One of the requirements of Freeport status is that an Accountable Body authority function is provided by a local authority. Leicestershire County Council (LCC) has been the Accountable Body of EMF since inception. The role of the Lead Authority/Accountable Body includes, but is not restricted to:
- Receiving funding on behalf of the East Midlands Freeport company and responsibility for its proper administration, ensuring that funding is used appropriately in accordance with the relevant legislation and applicable funding conditions and represents value for money in the use of public funds;
  - Maintaining financial systems to account for all funding received and disbursed on behalf of the East Midlands Freeport company;
  - Embedding good governance into decision making following the Nolan principles and the National Local Growth Assurance Framework;
  - Retaining necessary information and ensuring all required information on expenditure, activities and outcomes are properly monitored, recorded and reported;
  - Operating as a single point of contact for Ministry of Housing, Communities and Local Government (MHCLG) on all Lead Authority/Accountable Body matters in relation to the Freeport.
- 4.4. MHCLG stated in a letter dated 28 March 2025 that the Accountable Body status should transfer from LCC to EMCCA no later than two years after EMCCA's creation (i.e. by 28 February 2026). An agreement with MHCLG has established that the change will take effect at midnight on 31 March 2026, streamlining implementation by aligning with accounting years and thereby minimising the impact on officer time and public resources required for group account preparation. Although the 31 March 2026 has passed, all parties are

working towards the change positively and the effective date will be confirmed once approved by all appropriate parties.

- 4.5. EMCCA has appointed a project manager to manage the Accountable Body transfer process and joint working has taken place with LCC and EMF to put in place the necessary transfer arrangements. A delivery plan is in place for the transfer of Accountable Body functions to EMCCA to be completed within the required timescales.

### **Governance Implications**

- 4.6. Government was clear that, with the establishment of EMCCA as a Mayoral Strategic Authority, it expected to see the Accountable Body role transfer to EMCCA in order to ensure stronger regional alignment. This report, therefore, seeks the necessary authority for the Chief Executive to vote in favour of the EMCCA to become the Accountable Body for EMF and sets out the issues and implications of such a transfer.
- 4.7. There are three main agreements pertaining to Accountable Body status that will require transfer from LCC to EMCCA. These are:
- Accountable Body Agreement
  - Memorandum of Understanding with MHCLG
  - Retained Business Rates Agreement with LCC and the three relevant billing authorities.
- 4.8. In addition, LCC is a signatory to grant agreements as Accountable Body. All agreements can be transferred (novated) from LCC to EMCCA.
- 4.9. The Accountable Body Agreement sets out key aspects such as the role and responsibilities of the Accountable Body, the time commitment required, procedures for reimbursement by EMF, and protocols for data sharing. However, the novation to EMCCA assumes that no modifications to the agreement will be sought.
- 4.10. EMF's governance includes several checks and balances, notably the Accountable Body's veto over the business plan and major financial decisions. While the Accountable Body cannot veto investments on policy grounds, it can exercise influence if concerns about value for money arise. This can include advising EMF and the Board, raising issues with MHCLG, or withholding signature and release of funds in line with public money/value for money principles. Such actions cannot be taken purely on the basis of policy disagreements or if the investment is outside the county.
- 4.11. The Members' Agreement includes a table of reserved matters, which require approval from different groups: Founding Members, the Accountable Body (who hold veto power over certain decisions regardless of their Membership status), the EMF Board, Public Sector Directors, and Public Sector Members.

- 4.12. Most Board decisions require a majority from both public and private sector director blocs. Significant changes, such as alterations to governance, require unanimous approval from all Member organisations. Public funding decisions are initially considered by a Section 151 sub-committee, followed by a public sector director sub-committee, before being presented to the wider Board (private sector members) for strategic input. This process ensures a clear distinction between Board-wide decisions and those concerning the management of public funds.
- 4.13. EMF Members have only recently finalised the governance structure, and it is crucial that transferring the Accountable Body does not disrupt Freeport operations or its partnerships. There is therefore a strong preference to avoid major governance changes. With local government reorganisation set for 2028, which will significantly change the landscape and number of authorities in the area. Therefore, any adjustments now are very likely to need further revision within two years, lending weight to the argument to keep alterations to a minimum.
- 4.14. A decision is needed regarding EMCCA's Membership status before progressing with the transfer of the Accountable Body Agreement. There are two types of Membership available: Associate Membership and Founding Membership. Importantly, only Founding Members have the right to appoint a Director to the EMF Board. Admission of EMCCA as either an Associate or Founding Member will ultimately be determined by the EMF Members, through either a public/private majority vote or a unanimous decision, as appropriate.
- 4.15. EMCCA's preferred approach is for EMCCA to assume Accountable Body status and simultaneously seek Founding Membership within EMF. This path is preferred as it allows for the necessary transfer of responsibilities while limiting changes to the governance documents to administrative matters, thus preserving the integrity and stability of the existing arrangements.
- 4.16. Achieving Founding Member status would grant EMCCA the right to appoint a director to the EMF Board, ensuring a voice within the organisation's strategic direction. The addition of EMCCA as a member, however, potentially creates an imbalance between public and private members. If this is perceived to be an issue, then there is also an option to add a further private sector member to maintain the current balance.
- 4.17. An imbalance is also potentially created between EMCCA authorities and those outside the combined authority. This imbalance exists currently and has not been an issue to date. To address potential imbalance for the Leicestershire authorities, the EMF Members' Agreement has been amended with regard to the quoracy requirements for the Public Sector Directors Group. The amendment is to require attendance by either LCC or North West Leicestershire District Council to be a quorate meeting. If neither council is in attendance, it is proposed that the meeting be able to continue on an 'in-principle' basis with notification to be sent to the Leicestershire authorities within a prescribed period enabling them to support or object to an in-principle

decision following the meeting. If the council responds within the prescribed period, their vote will be considered with the others in accordance with the usual voting rules as set out in the agreement. If no response is received, the in-principle decision stands ensuring decision cannot be frustrated by non-attendance.

- 4.18. Assurances have been provided by EMCCA that the transfer of Accountable Body status from the County Council to EMCCA will not adversely affect Leicestershire authorities. A copy of the letter received from EMCCA formally giving this assurance is attached at Appendix A to this report along with an advice note at Appendix B. The advice note deals with some of the legal “guardrails” that exist to govern the role of the Accountable Body. For the most part these already exist, but there are further steps and assurances that the Mayor has set out.

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

The Council could choose not to support the transfer of accountable body status and establishment of EMCCA as a founding partner. However, the transfer of accountable body status is required by MHCLG and the associated establishment of EMCCA as a founding member allows for the necessary transfer of responsibilities while limiting changes to the governance documents to administrative matters, thus preserving the integrity and stability of the existing arrangements.

## **6. Risks and Uncertainties**

- 6.1. Once EMCCA becomes the Accountable Body, the Council’s influence may become more indirect, especially as EMCCA will hold key consent rights and reserved matters. However, EMF cannot proceed without the Accountable Body’s explicit consent. These are not discretionary powers but structural guardrails.
- 6.2. The Council could receive a smaller share of retained business rates investment if regional priorities shift or if EMCCA’s strategic oversight favours other areas. However, there are constraints on Use of Retained Business Rates. Although EMCCA controls the release of funds, it cannot direct how business rates are allocated, but it can delay or withhold release if assurance requirements are not met. EMF cannot access retained business rates, without passing through the Accountable Body’s financial, assurance and reporting processes.

## **7. Implications**

### **7.1. Financial Implications**

There are no direct financial implications from this report

## 7.2. Legal Implications

There are no direct legal implications for Rushcliffe arising from this report. Legal and governance requirements for EMF are set out in this report.

## 7.3. Equalities Implications

There are no equalities implications related to this report.

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

There are no Section 17 implications related to this report.

## 7.5. Biodiversity Net Gain Implications

There are no Biodiversity Net Gain implications related to this report.

## 7.6. Local Government Reorganisation Implications

There are no Local Government Reorganisation implications related to this report.

## 8. Link to Corporate Priorities

The Environment	The transformation of Ratcliffe on Soar power station from the production of coal-fired energy to other more sustainable forms of energy including Research and Development into clean energy will help the region's plans to become carbon neutral and then net zero
Quality of Life	The Freeport has the potential to benefit local residents' quality of life through the provision of new jobs and green infrastructure
Efficient Services	The Council will receive a portion of business rates from the developed Ratcliffe on Soar site, which will financially contribute the efficient running of Council services
Sustainable Growth	The development of Ratcliffe on Soar power station through the Freeport could attract a significant number of new businesses and jobs

## 9. Recommendation

It is RECOMMENDED that Cabinet:

- a) approves the transfer of accountable body status for the East Midlands Freeport (EMF) from Leicestershire County Council (LCC) to the East Midlands Combined County Authority (EMCCA);
- b) agrees to EMCCA becoming a founder member of the East Midlands Freeport; and

- c) agrees the necessary changes to the governance documents to enable this transfer to take place in accordance with the principles set out in this report.

<b>For more information contact:</b>	Adam Hill Chief Executive <a href="mailto:ahill@rushcliffe.gov.uk">ahill@rushcliffe.gov.uk</a> 0115 9148577
<b>Background papers available for Inspection:</b>	None
<b>List of appendices:</b>	Appendix A – EMCCA Letter Appendix B – Advice note

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10<sup>th</sup> March 2026

Directors of East Midlands Freeport Ltd

[Sent via email]

### **EMCCA as Accountable Body for East Midlands Freeport**

Dear EMF Director,

Thank you for the invitation to set out a few points about how I see EMCCA operating and working alongside you as the new Accountable Body for the Freeport. The matters contained within this letter are important to me, as I know they are to you too.

The note provided deals with some of the legal “guardrails” that exist to govern the role of the Accountable Body. For the most part these already exist, but there are further steps and assurances I am keen to set out.

The note provided sets out:

1. A description of the role of the Accountable Body
2. An explanation of the Accountable Body's veto and extent of control of the Freeport
3. Proposed further guardrails once EMCCA becomes the Accountable Body
4. A statement from EMCCA on its responsibilities as Accountable Body

Furthermore, I want to set out my own personal commitment to working with you all to make the Freeport a success, particularly given I will not be EMCCA’s nominated company Director on the Board. Please don’t interpret this as a lack of interest on my part; it is quite the opposite. I have decided not to be EMCCA’s nominated company Director precisely so that I can fully champion the work of the freeport in my role as Mayor, free from any conflicts of interests. I look forward to doing so. I would like to attend the Board as a guest from time to time, as you see fit, and I will remain in touch through my officers and via the EMF Chair and Chief Executive.

Lastly, I am extremely mindful of the fact that 1 of the 3 Freeport sites is not in the EMCCA area. This creates a complexity, but it is our collective job to work past that. I am confident that we can do that successfully (as you always have) with collaboration, common sense and pragmatism so that we can demonstrate the benefits of the Freeport to all of the communities we serve, regardless of administrative boundaries.

I hope the technical note and the further principles suggested provides greater clarity and reassurance about EMCCA's role and motivations. I look forward to continuing to work with you all to put words into action.

Yours faithfully,



**Claire Ward**

Mayor of the East Midlands



# East Midlands Freeport: Ensuring continued strong regional collaboration

## Purpose

The purpose of this document is to outline the responsibilities, governance arrangements, and assurance processes pertaining to the East Midlands Combined County Authority (EMCCA) in assuming the role of the Accountable Body for the East Midlands Freeport, following the transition from Leicestershire County Council. It sets out the role of the Accountable Body, the extent of the control it has, and how EMCCA will safeguard public funds, comply with statutory and regulatory requirements, and facilitate effective collaboration between stakeholders to support the continued successful delivery of Freeport objectives.

## Role of the Accountable Body

The Accountable Body is the organisation accountable to central government for the proper stewardship of public funds and the integrity of EMF governance. The role of the Accountable Body is codified under the DLUHC (now MHCLG) Memorandum of Understanding relating to the use by EMF of the MHCLG funding grant, the Seed Capital and the use of EMF RBR Funds (signed between the Accountable Body, East Midlands Freeport Ltd, and the three billing authorities), the Business Rates Agreement (signed by Leicestershire County Council and the Billing Authorities) the EMF Members' Agreement (signed by all parties referred to as Founding Members) and the Articles of Association (adopted by special resolution on 16 July 2025).

Its key functions are to:

- Act as the **accountable body for all government funding**, including Seed Capital expenditure, Capacity Funding and retained business rates, ensuring compliance with Managing Public Money, upholding procurement law practices and subsidy control requirements.
- **Monitor, report and provide assurance** to government that public funds have been subject to appropriate levels of scrutiny and used in line with the approved Full Business Case and Business Plan.
- **Support and oversee EMF's governance**, ensuring that the Board operates with transparency, propriety and inclusivity and in line with the Nolan Principles.
- Ensure appropriate **financial, risk and project documentation**, including audit trails, implementation plans and risk registers, is maintained
- Serve as the **primary interface with central government**, coordinating engagement between EMF, MHCLG and other departments as well as coordinating the work of the Board (with the Accountable Body being supported by the Chair, the Executive Delivery Team, relevant subcommittees and Members, as appropriate).

- Hold and manage pooled **retained business rates and residual seed capital funds**, distributing them in accordance with agreed strategies and decisions taken through EMF's public-sector decision-making structures.

EMF is designed to be an enabling delivery body, and the business of EMF is to operate East Midlands Freeport in accordance with MHCLG and other Government requirements. The Accountable Body is therefore not a delivery body, but a **guardian of public accountability, financial probity and governance discipline**, sitting alongside (rather than replacing) EMF's role as the operational and strategic delivery body.

It should also be noted that it is a condition of the Members Agreement that the Accountable Body should be a public sector member of EMF and appoint a Director to the Board.

## The Accountable Body's veto and extent of control of the Freeport

The Accountable Body's control of the Freeport is best described as strategic, financial and governance control commensurate with its guardian of public accountability, financial probity and governance discipline. This is not operational management.

This control is exercised through reserved matters, consent rights, approvals, escalation routes and control of funding, rather than routine intervention. To date, the current Accountable Body has not used the objection or escalation route available to it.

It is important to note that the Accountable Body does not possess any overarching authority to manage EMF's operations, nor does it hold unilateral discretion over the allocation of funds. EMF's Board acts as the governing body of EMF and remains responsible for strategy, delivery and management, subject to the governance framework and the objectives of EMF.

Instead, the Accountable Body's control is exercised through clearly defined mechanisms, principally:

### a. Accountable Body Reserved Matters

The Members' Agreement sets out a list of Accountable Body Reserved Matters, meaning EMF cannot proceed without the Accountable Body's explicit consent. These focus on areas where public risk is highest, including:

- Approval of the Business Plan and material in-year changes.
- Decisions that expose the Accountable Body to financial risk or liability, including borrowing, guarantees, transactions at undervalue, granting rights, selling or disposing of material assets and material contracts.
- Approval of annual accounts, with the right to withhold approval and escalate concerns to government if necessary.
- Procurement or contracting activity that is inconsistent with the Business Plan or public sector requirements.
- Entry into related-party transactions involving public money.

These are not discretionary powers but are structural guardrails, designed to ensure EMF cannot commit public funds or expose public bodies to risk without explicit oversight.

#### **b. Objection and escalation mechanism**

The Accountable Body may formally object to a Board decision if, acting reasonably, it believes the decision does not comply with government accountability or CIPFA requirements. In such cases:

- The Board must reconsider the decision.
- If the Board reaffirms its position, the Accountable Body may escalate concerns to government, even if it cannot block the decision outright.

This provides a strong soft veto and escalation safeguard, short of day-to-day interference.

#### **c. Control over public funding flows**

In practice, EMF cannot access:

- Seed Capital,
- Capacity Funding, or
- retained business rates,

without passing through the Accountable Body's financial, assurance and reporting processes. This gives the Accountable Body effective control over whether and when funding is released.

However, it doesn't give the Accountable Body the ability to direct the Freeport to distribute funds in a particular way. It couldn't, for instance, direct the use of business rates collected in one area to be used in another, this remains within the control of the EMF Board, with formal approval of funds expenditure and projects that draw from business rates by the Public Sector Directors Group.

## **Proposed further guardrails once EMCCA becomes the Accountable Body**

As EMCCA assumes the Accountable Body role, there is scope to strengthen clarity and confidence without reopening the core constitutional balance. Options that sit comfortably with the existing framework include:

#### **a. Formal Mayoral-Leaders / Chief Executives and EMF Strategic Review**

It is proposed to establish a six-monthly strategic review between the Mayor of the East Midlands, East Midlands Freeport and the Leaders and Chief Executives of each council within the Freeport area.

- Focus on:
  - Strategic direction and alignment with regional priorities;
  - Balance of investment across the Freeport geography;
  - Long-term economic, social and environmental outcomes.

- This is an informal proposal which does not impact formal governance arrangements set out in the Members' Agreement, Articles of Association, AB Agreement and MOU with Government.
- Meeting agenda/ papers will be coordinated by EMF and reported back to the EMF Board.

#### **b. Published statement of strategic priorities and principles**

EMCCA will publish a short set of strategic principles guiding its exercise of Accountable Body functions (see EMCCA Statement below). This will increase transparency while preserving EMF's operational autonomy.

#### **c. Enhanced scrutiny and reporting**

Introduce an annual public assurance statement from EMCCA on EMF, covering:

- Use of public funds;
- Governance effectiveness;
- Alignment with regional objectives.

This can be supported with Overview and Scrutiny committee engagement within EMCCA as well as working with existing EMF structures (e.g. Audit and Risk Subcommittee).

## **EMCCA Statement on Responsibilities as Accountable Body**

### **Purpose of this Statement**

This statement sets out how the East Midlands Combined County Authority (EMCCA), in its role as Accountable Body, will exercise its responsibilities in relation to East Midlands Freeport Limited (EMF), providing assurance to partners, stakeholders and communities across the East Midlands.

### **EMCCA's Role as Accountable Body**

EMCCA's role as Accountable Body is to safeguard the proper use of public funds, uphold high standards of governance and transparency, and provide assurance to Government and local partners.

EMCCA does not replace EMF's role as the strategic and operational delivery body for the Freeport. Instead, EMCCA's function is to provide proportionate oversight, ensuring that EMF can deliver confidently, compliantly and at pace.

### **Principles Guiding EMCCA's Approach**

In exercising its Accountable Body responsibilities, EMCCA commits to the following principles:

#### **1. Pragmatism and proportionality**

EMCCA will act as an enabling and pragmatic partner. Intervention will be targeted, proportionate and focused on matters of public accountability, financial risk and governance integrity. Day-to-day operational decision making will remain with EMF.

#### **2. Respect for agreed governance arrangements**

EMCCA will operate strictly within the governance framework set out in the Memorandum of

Understanding, Members' Agreement and associated governance documents. Reserved matters and consent rights will be exercised transparently and consistently. EMCCA will work collaboratively with partners as the need for any future governance changes arises e.g. post Local Government Reorganisation.

### **3. Partnership and collaboration**

EMCCA will work constructively with EMF, constituent councils, private sector partners and government departments to support effective delivery and timely decision making.

### **4. Strategic Alignment and Leadership**

EMCCA will ensure that the Freeport continues to align with wider regional priorities, including inclusive economic growth, regeneration, skills development and the transition to a low carbon economy.

To support this, EMCCA will facilitate regular strategic dialogue, including periodic strategic reviews between the Mayor of the East Midlands and the Chief Executives of each council in the Freeport area, focused on long term direction, outcomes and regional balance rather than operational detail.

### **5. Community Benefit and Inclusive Growth**

EMCCA is committed to ensuring that East Midlands Freeport delivers clear and tangible benefits for the people of Derbyshire, Nottinghamshire and Leicestershire.

In its Accountable Body role, EMCCA will support and expect:

- Investment that contributes to skills, employment and workforce transition;
- Opportunities for local communities and businesses to benefit from Freeport activity;
- Alignment with regional regeneration objectives.

These expectations will be pursued through strategic oversight and partnership working.

### **6. Use of Retained Business Rates**

EMCCA recognises the importance of confidence in the use of retained business rates generated through the Freeport – and the position agreed and confirmed in EMF's published 2025 Investment Strategy.

Accordingly, EMCCA will:

- Uphold the agreed mechanisms governing retained business rates
- Where any changes are required (e.g. as a result of the recent LG Futures audit and of changing Government policy on business rates) EMCCA will work collaboratively with the relevant partners to resolve;
- Ensure that decisions are evidence based, transparent and aligned with Freeport objectives;
- Support a balance of investment (including with the Skills and Communities Equity Fund) across the Freeport geography over time, in line with EMF's Investment Strategy.

### **7. Transparency, Assurance and Accountability**

EMCCA will promote high standards of transparency and assurance, including:

- Appropriate management of any conflicts of interests;
- Clear reporting and audit arrangements for public funding;

- Robust financial and risk management;
- Appropriate escalation to Government where required by accountability standards.

Should concerns arise, EMCCA will seek to resolve issues collaboratively and constructively, with escalation used only where necessary to protect public interest and probity.

#### **8. Commitment to Stability and Confidence**

EMCCA's intention as Accountable Body is to provide stability, confidence and clarity for EMF and its partners.

By combining strong public accountability with a pragmatic, partnership based approach, EMCCA will support East Midlands Freeport to realise its long term ambition as a driver of sustainable economic growth for the whole region.



**Cabinet**

**Tuesday, 12 May 2026**

**Ratcliffe on Soar Local Development Order – Amendment**

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

### **Cabinet Portfolio Holder for Planning and Housing, Councillor R Upton**

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

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

#### **2. Recommendation**

It is RECOMMENDED that Cabinet:

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

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

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

- 3.1. The proposed Local Development Order amendments are to respond to changing economic and national policy circumstances regarding data centres; to allow greater flexibility to bring about appropriate environmental mitigation works; and to address limitations within the LDO condition relating to Local Labour Agreements.
- 3.2. The key issue with the LDO at present is that, whilst it identifies data centres as an appropriate use on site, by restricting their delivery to the northern part of the site only, it is not possible to accommodate a major data centre on any part of the site in the short term. This is because the northern part retains the power station buildings, which first need to be demolished, and British Gypsum is seeking to bring forward an open cast gypsum mine on the north east part of the site, having now secured planning consent. By comparison, the southern site is less constrained and development on this land can be brought forward more quickly. An amendment to the LDO to allow data centres on the southern part of the site would therefore enable both the site overall and the LDO's planning framework to respond to major data centre opportunities and initiatives arising now or in the near future.
- 3.3. The reason for commencing the LDO amendment ahead of the three year review and to specifically include data centres on the land to the south of the A453 is due to the East Midlands Combined County Authority (EMCCA) submitting a bid for an AI Growth Zone to Government.
- 3.4. Cabinet deferred the report from the previous meeting to further consider concerns raised regarding the future comprehensive redevelopment of the whole site. Positive discussions have taken place with the land owner, Uniper, who have confirmed the following:
  - 3.4.1. Substantial progress has been made on decommissioning to enable safe demolition of the power station to begin, with the company continuing to work proactively with regional partners and stakeholders to resolve remaining redevelopment constraints and accelerate the holistic redevelopment of the site.
  - 3.4.2. Further to this, Uniper has advised that contractual negotiations for the demolition project are progressing positively with the necessary consents and internal approvals now in place; and that Uniper is working at pace to successfully conclude contract negotiations and address the

outstanding planning conditions to allow work to proceed. Uniper expect to be able to confirm this in the coming weeks.

- 3.5. Cabinet is asked to consider this key milestone of Uniper's commitment to invest in extensive decommissioning and demolition works on the northern part of the site, enabling it to come forward and support the wider region's objectives for inward investment and job creation.

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

##### **Background**

- 4.1. In July 2023, the Council adopted a Local Development Order (LDO) for the former Ratcliffe on Soar Power Station to streamline the planning process and to specify the types of uses which would be permitted on the site. The LDO allows for the creation of an industrial park focused on advanced manufacturing (including technology needed to transition to net-zero), green and low-carbon energy generation, and energy storage. The LDO grants planning permission for the site's development, equivalent to the granting of outline planning consent, in accordance with the conditions applied to the Order and the other provisions contained within it.
- 4.2. At the time the LDO was prepared and then approved, Government had encouraged the use of LDOs on Freeports sites where possible in order to help accelerate and provide greater planning certainty for defined types of development in Freeport locations. It was the Government's view that such measures would empower local authorities to take a strategic approach to Freeports.
- 4.3. In order to secure approval for detailed proposals in accordance with the LDO, there is a requirement to submit a 'Certificate of Compliance' application, equivalent to the granting of reserve matters planning consent, for the Council's approval.
- 4.4. Prior to determination, Ward Councillors and the Chair of Planning Committee must be consulted on Certificate of Compliance applications and given the opportunity to comment. Where there is no difference of opinion on material planning considerations between these Councillors and the Planning Officer handling the application, officers have delegated authority to determine the Certificate. However, where a difference of opinion does arise, the Planning Officer must work with the Councillor(s) and the applicant to seek to resolve any material objections. If the disagreement cannot be resolved, the matter will be referred to the Cabinet Portfolio Holder for Planning and the Director for Development and Economic Growth for consideration. The Director must then work with the Councillor(s) to try to reach a consensus. If a consensus still cannot be achieved, the Ward Councillors and/or Chair of Planning Committee may refer the Certificate to Planning Committee for determination. Under delegated powers, the Director for Development and Economic Growth also has authority to determine other approvals or consents required under the LDO, including the approval of Section 106 or other legal agreements, provided the

proposed agreement complies with the terms of the LDO, any documents approved under it, and the Council's Supplementary Planning Guidance.

- 4.5. It should be noted that the existence of the LDO does not prevent developers from submitting planning applications, should they wish to attempt to secure consent for development proposals that do not comply with the LDO.
- 4.6. The site's owner, Uniper, has requested that the Council considers making a limited number of amendments to the LDO and that these are dealt with separately and ahead of the formal three year LDO review process that is due to take place in mid-2026. The proposed amendments are in respect of three matters:
  - a) to allow data centre uses to be located on the southern part of the site (land south of the A453);
  - b) to allow environmental mitigation works to come forward early with Council agreement; and
  - c) to allow Local Labour Agreements to be agreed on a plot-by-plot basis.
- 4.7. It was agreed by Cabinet on 11 November 2025 that these proposed amendments should be published for consultation. The documents that were consulted on are at Appendix 3, 4 and 5.

#### **Consultation on proposed LDO amendments**

- 4.8. The consultation was undertaken between 27 November 2025 and 6 January 2026. In total, 60 consultation responses were received from members of the public, public bodies and other organisations. At Appendix 2 is a summary of all the responses received. The main issues raised by consultees and a response to those issues is as follows.

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

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

- 4.9. Some consultees are concerned that further scope for data centre development on the site would dilute the overall vision, potentially diminishing the very special circumstances for development in the Green Belt, and water down the net-zero justification for development on the southern part of the site.
- 4.10. In response to this, data centres have always been part of the vision for the site and are a permitted use under the LDO. The proposal to allow data centre development to occur on the southern part of the site, as well as the northern area, does not change the vision for the development, nor the strategic alignment with wider regional policy. Over the last two years, the importance of data centres to the national economic future has become more apparent. The Government has identified data centres as Critical National Infrastructure and is currently seeking to establish a series of AI Growth Zones, and it is noted that EMCCA has led an application for an AI Growth Zone centred on the

Ratcliffe site (see Appendix 6 (exempt item) for further details). These circumstances are considered to support, rather than undermine, the very special circumstances argument for development.

- 4.11. The original restriction on uses on the southern part of the site was made in response to stakeholder comments that the proposed development on this part of the site should be of sufficiently high calibre to mitigate for the impact on the existing landscape and the more openness of the Green Belt in this location. It is expected that data centres would typically be relatively low buildings, which can be built in a “campus” style arrangement, which are likely to sit more sympathetically within the landscape setting of the southern site, as compared to, for example, a gigafactory or energy facility.
- 4.12. In respect of the very special circumstances demonstrated to justify the LDO and proposed development in the Green Belt, these have been further reviewed. It is considered that making data centres an acceptable use on the southern area of the site area, in addition to energy generation and advanced manufacturing related development, would not materially alter the conclusions already reached in respect of very special circumstances. The very special circumstances for such development within the Green Belt has already been adequately justified and this justification can reasonably be considered to have been bolstered by the Government’s identification of data centres as Critical National Infrastructure.
- 4.13. In response to the point that it weakens the net-zero justification for development, data centres are fully electric buildings which enables them to be powered by low-carbon and zero-carbon electricity.

#### Effect on development delivery across the whole site

- 4.14. Concern has been raised that development on the southern part of the site would inhibit development on the northern area. In response to this, the LDO is intended to support the development on all parts of the sites, with the land to the north and south of the A453 benefitting from available land, access to strategic transport networks, utilities and power connectivity and other characteristics which make them suitable for development. There is no reason in principle why development on the southern area should inhibit development on the northern area.
- 4.15. While the southern part of the site is currently available, and development could come forward relatively quickly, the northern part of the site is generally not available in the short to medium term. On this part of the site, Uniper is currently completing decommissioning works. Uniper has recently advised that substantial progress has been made on decommissioning to enable safe demolition of the power station to begin, with the company continuing to work proactively with regional partners and stakeholders to resolve remaining redevelopment constraints and accelerate the holistic redevelopment of the site. Further to this, Uniper has advised that contractual negotiations for the demolition project are progressing positively with the necessary consents and internal approvals now in place; and that Uniper is working at pace to successfully conclude contract negotiations and address the outstanding

planning conditions to allow work to proceed. Uniper expect to be able to confirm this in the coming weeks.

- 4.16. British Gypsum is also seeking to implement its mining rights to quarry gypsum across the north-eastern part of the northern area, having already secured planning consent. Both activities will leave levelled development plots where the development could come forward in accordance with the LDO and submitted Phasing Plan. There is no clear reason why developing a data centre (or centres) on the southern part of the site would affect the deliverability of development on the northern part any differently from, for example, an energy facility being developed on the southern part of the site; a use that is already permitted on the southern area.

#### Effect on power demand

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

#### Water demands from data centres

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

#### Heat emissions from data centres

- 4.20. In response to concerns raised regarding heat emissions from data centres, it is reasonable to expect that these will be significantly lower than those from the former power station; therefore, any impacts are expected to be much lower.

The use of water cooling further reduces the emissions of heat to air from data centres.

- 4.21. Condition 14 of the LDO requires an Operational Environmental Management Plan to be submitted with Certificate of Compliance applications. This plan will need to identify the measures employed to manage any emissions to prevent pollution and contamination. This provides the control for the Council to review individual proposals. Prior to operation, developments will also need to obtain relevant environmental permits from the Environment Agency. Developers will need to demonstrate that best available technologies are being employed to minimise impacts on the environment. The LDO also identifies that development will need to manage the use of energy on site by making use of waste heat where available.

#### Potentially capping the level of data centre development

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

#### Maximum height limits

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

### Transport impacts from data centres

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

### Potential changes to environmental impacts

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

### Impact on East Midlands Airport

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

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

- 4.28. The proposed LDO amendment to allow environmental mitigation works to come forward early with Council agreement ahead of the delivery of Biodiversity Net Gain (BNG) units is questioned by some consultees. There is concern that

it would unacceptably dilute the hierarchy for securing BNG and environmental improvements. Instead, BNG provision on site should be prioritised ahead of financial contributions for off-site environmental improvements.

- 4.29. In response to these points, the proposed amendment does not change the BNG target for the site, nor does it change the LDO's ambition to provide significant BNG on-site. Rather, the proposed amendment provides greater discretion to the Council to allow environmental mitigation proposals to come forward earlier and potentially in advance of development. In all cases, as currently set out in the LDO, the decision on whether to accept environmental mitigation proposals rests with the Council and not with the developer. The proposed amendment does not place any obligation on the Council to approve a proposal.
- 4.30. The option of allowing 'other environmental mitigation proposals' in lieu of BNG units was included in the LDO in response to a request by the Environment Agency to facilitate funding for a proposed Fish Pass on the River Trent. Such a proposal would have a significant environmental benefit. Similarly, there was a previous opportunity to financially support a local community woodland project. Such projects often have a limited 'window of opportunity' during which they can be realised, when different stakeholders are able to come together and support the scheme. However, the current wording of the LDO restricts when such environmental projects could come forward and this 'window' can therefore be missed. The proposed amendment would give the Council greater flexibility to allow this type of mitigation to come forward, but only if the Council is convinced of the merits of the scheme.
- 4.31. There was also a comment made that it would be desirable to increase the proportion of landscaping on the southern site, and that the proposed LDO amendment regarding the BNG hierarchy would undermine this aim. In response, the Parameter Plans included in the LDO identify the maximum extent of the development plot on the southern part of the site and the area outside of the plot is identified in an approved parameter plan as strategic landscaping. This would not change as a result of the proposed amendment. However, if detailed development proposals do not fully occupy the development plot, the LDO allows the remaining area to be used for landscaping. Principles SL1 to SL8 of the LDO's Design Guide provide further detail on how landscaping should be incorporated within development proposals. Such matters would need to be further discussed between the Council and the developer at the Certificate of Compliance stage.

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

- 4.32. East Leake Parish Council has raised concern that the proposed wording of the Local Labour Agreement (LLA) condition within the LDO makes it applicable only to development plots and, instead, it should also apply to works on areas of the site outside development plots.
- 4.33. In response to this, the LLA condition encourages the use of local contractors to undertake construction work on the development permitted by the LDO and

this would not change. The condition is not intended to apply to ongoing site management or maintenance works. As currently worded in the LDO, the condition could have been interpreted as requiring a single LLA covering the entire LDO site. This was not the intention as it would be difficult to achieve in practice. Development will come forward in separate phases and on different plots, under different timescales and with different contractors involved. It is much more practical to agree measures to encourage the use of local contractors on a development-by-development basis, as this is the point at which the types of skill and the number of contractors are known and can be matched to local resources. The proposal would simply introduce minor wording changes to make the original intent of the condition clear.

- 4.34. The majority of the work will be associated with the construction of the new buildings within the defined development plots. However, it is accepted that other works (e.g. road construction) will take place outside of the development plots and the LLA clause could be further amended to also encourage developers to employ local contractors to undertake some of these works (see the further proposed amendment to wording below at paragraph 4.64).

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

- 4.35. Following the review of the consultation responses, and with reference to the information published as part of the consultation (the documents at Appendix 3, 4 and 5), the following conclusions have been reached concerning the proposed amendment to allow data centres on the southern site area.
- 4.36. The documents issued for consultation set out the background for the proposed amendment to permit data centre development on the southern site at Ratcliffe. They also highlight the potential benefits that this could bring both to Rushcliffe Borough and the wider region.
- 4.37. Since approval of the LDO in 2023, the national importance attached to data centre development has markedly increased, and government is seeking to secure the development of many more data centres in the UK. Government has confirmed data centres as Critical National Infrastructure and is identifying AI Growth Zones to help accelerate delivery.
- 4.38. In respect of national planning policy, changes to the National Planning Policy Framework (NPPF), which post-dates adoption of the LDO, specifically highlight and emphasise the importance of data centres for the national economy.
- 4.39. Specifically, NPPF paragraph 86 states: *“Planning Policies should: ...c) pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics”*.
- 4.40. Further to this, NPPF paragraph 87 states that: *“Planning policies and decisions should recognise and address the specific locational requirements of different*

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

- 4.41. As already referred to, EMCCA is promoting an East Midlands AI Growth Zone and has proposed that AI related industries and investment in digital skills are focussed on the 'Trent Arc' – an area which includes the Ratcliffe site. The Department for Science, Innovation and Technology has recently confirmed that this proposal, including Ratcliffe site, is under active consideration as a high potential AI Growth Zone opportunity. While this does not guarantee final AI Growth Zone status, it is a significant step forward at this stage.
- 4.42. With power availability, good access, and the proximity of a skilled workforce, the Ratcliffe site is considered an attractive option for data centre development.
- 4.43. It is understood that the granting of AI Growth Zone status would allow Government to accelerate work by National Grid to upgrade the electrical supply to the site. This would help improve power availability not only for data centres, but also for the other industrial and energy uses proposed by the Ratcliffe LDO.
- 4.44. Uniper is progressing work to demolish the power station and cooling towers on the northern site at Ratcliffe. Open-cast gypsum quarrying activities are also expected to begin relatively shortly on the north-eastern part of this site, which would be ahead of LDO related development then taking place. This means that it may be some years before a sizable level of development can come forward on the land to the north of the A453. The southern site area is less constrained, and development should be able to come forward here relatively quickly.
- 4.45. The Freeport designation of the site is designed to encourage development and brings significant benefits to the Local Authority through business rates retention. Freeport status is time limited and the Council risks losing these benefits if development does not occur quickly enough. It is increasingly unlikely that development on the northern part of the site will meet these timescales.
- 4.46. Data centres can deliver significant economic benefits to their local area. In addition to the direct benefit of well-paid jobs, they can support university research and the growth of local technology businesses and start-ups. Business rates paid by a data centre to the Council are likely to be significant in scale. Uniper has estimated from £2m a year for a smaller data centre, up to £21m per year for the largest data centres. In addition, a significant Section 106 contribution may be able to be secured to fund supporting infrastructure.
- 4.47. Data centre development could potentially comprise a series of relatively low-rise buildings which, when compared to the building requirements for other potential uses on site, should be able to be more effectively screened with landscaping. Data centres produce limited noise or site emissions. Compared to some potential energy and advanced manufacturing uses, data centre

development is more likely to be more compatible with, and sympathetic to, the existing landscape of the southern site area.

- 4.48. The traffic generated by a data centre is expected to be low, when compared to potential other uses on site, and is more likely to fit within the trip caps set out in the LDO. This should allow a data centre to be delivered sooner. Other types of development with higher traffic flows may have to wait a number of years until major highway improvements (including to M1 Junction 24) have been agreed with National Highways, other developers, and a variety of public sector bodies.
- 4.49. The proposed LDO amendment to allow data centre development on the southern site responds to the latest government priorities for growth of digital infrastructure, and the availability of the site to respond to this. It would encourage development to come forward more quickly, which should help unlock the wider Ratcliffe site. Business rates and section 106 contributions could be used to help to address the highway constraints which will support further delivery of the LDO vision and support wider Local Plan objectives.
- 4.50. Uniper has advised that the proposed amendment would support the company's application to National Grid to increase power supply to the site, which, in turn, will be important to support all types of development proposed by the LDO. It is understood that National Grid will give preference to sites which have planning consent and where there is a clear timescale for delivery. Under National Grid's processes, data centre uses further increase the priority of a site. Amending the LDO to allow data centres on the southern site area would therefore potentially help accelerate delivery of additional power capacity to the Ratcliffe site, which would hopefully create additional momentum to realise wider development across the site.
- 4.51. It is considered that concerns regarding the height and environmental impact of data centre development can reasonably be addressed through the Certificate of Compliance processes already established by the LDO for determining the suitability of detailed proposals. It is important to reiterate that data centres are already permitted within the LDO and that these amendments do not seek to alter the existing development parameters set out in the LDO. At Certificate of Compliance stage, any data centre developer would be known, and detailed design proposals would be available to review. The Council retains decision-making powers in the Certificate of Compliance process, and the Council can therefore work to ensure that the proposals align with the LDO ambitions.
- 4.52. Overall, it is considered that the proposed amendment to allow data centres to be located in principle on the southern part of the site should be included within the LDO. The main issues raised by consultees in respect of this proposed amendment have been addressed above at paragraphs 4.9 to 4.31 and none are considered sufficient to justify a different conclusion.
- 4.53. The amendments to the LDO that are proposed for approval are at Appendix 1. The data centre related amendments remain unchanged from those which were published for consultation. In summary, these comprise:

- text changes to Section 2.4 to add an additional characteristic for acceptable uses to follow the wording in paragraph 87 of the NPPF and support the government ambition for developing AI and data centre growth;
- the inclusion of additional text within the LDO's statement of reasons (Sections 7.3 and 7.4) to support the changes made, including to highlight government initiatives and policy changes to support and bring about data centre development;
- a text change to the key of the Permitted Uses Parameter Plan;
- equivalent changes to the Permitted Uses Plan and table in the Design Guide; and
- equivalent text changes within Design Principles LU3 and LU6.

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

- 4.54. Following the review of the consultation responses, and also with reference to the information published as part of the consultation (the documents at Appendix 3, 4 and 5), the following conclusions have been reached concerning the proposed amendment to allow environmental mitigation works to come forward early.
- 4.55. The proposed amendment does not change the BNG target for the scheme, rather it gives the Council greater discretion on how environmental improvements come forward, at its discretion in terms of approval.
- 4.56. The fact that the northern part of the site will be affected by power station demolition works and open-cast gypsum mining over the coming years, means that development proposals may take more time to come forward. This amendment would allow sensible environmental projects to be funded or delivered before, and independently from, development proposals on the site.
- 4.57. It is highlighted above that the Environment Agency was supportive of the Fish Pass proposal. The adoption of the proposed amendment would help support the early delivery of this environmental improvement, if deemed appropriate mitigation. Similarly, there was previously an opportunity for the Ratcliffe site to help enhance a local community woodland project, but this did not happen in the end and this was partly constrained by the current LDO wording.
- 4.58. The decision on whether to accept such proposals rests solely with the Council. The wording of the LDO (final paragraph, Section 3.3 of the LDO) makes it clear that the Council must agree to any "other environmental mitigation measures" and it is the Council who will decide whether any such measures meet the biodiversity net gain objectives of the LDO.
- 4.59. The proposed amendment does not change the powers of the Council to approve proposals. Rather it will give the Council greater flexibility to bring forward environmental benefits that can be enabled by the Ratcliffe redevelopment. On this basis, it is considered that the proposed amendment should be included within the LDO. The issues raised by consultees in respect

of this proposed amendment have been addressed above and none are considered sufficient to justify a different conclusion.

- 4.60. The amendments to the LDO that are proposed for approval are at Appendix 1. They remain unchanged in respect of this matter from those published for consultation.

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

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

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

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

#### **Local Development Framework Group**

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

- a) remains of the view that the decision of and/or endorsement by Full Council is the most appropriate decision making route;
  - b) recommends that Cabinet consider the most appropriate mechanism by which amendments are revertible to Full Council; and
  - c) recommends any decision is only taken when it is demonstrated that the development enabled by the amended order will deliver tangible benefits to local communities.
- 4.67. The LDF Group is an advisory group of 15 cross party Councillors and their comments and recommendations will be considered by Cabinet.
- 4.68. At an earlier LDF Group Meeting on 12 November 2025, the majority of the Group asked for a decision on the proposed LDO amendments to be taken by Council rather than Cabinet. Having reviewed the constitution and sought a legal opinion, the decision to amend the LDO is an Executive (Cabinet) decision.
- 4.69. In respect of the LDF Group's recommendations regarding decision-making route, amendments to an existing LDO is an executive function and therefore one to be taken by Cabinet, not Council. This is explained more fully below within section 7.2.
- 4.70. In relation to LDF Group's recommendation that a decision should only be taken once it is demonstrated that the development enabled by the amended LDO will deliver tangible benefits to local communities, significant benefits will arise through job creation and inward investment to the region. Discussions have opened with Uniper on how the development might support wider community benefits for projects that are not necessarily linked to measures required to directly mitigate the effects of development. However, any financial support for such projects would, by law, need to sit outside the planning process and would be separate from the approval of detailed proposals brought forward under the LDO.

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

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

## **6. Risks and Uncertainties**

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

## **7. Implications**

### **7.1. Financial Implications**

- 7.1.1 There are limited financial costs associated with the work required to amend the LDO. Most of the supporting work prepared to date has been undertaken by consultants Arup who have been appointed and paid for by the site owners, Uniper. There will be Council officer time required to support the process of making LDO amendments, which can currently be contained within existing resources. The Council is, however, negotiating with Uniper for it to reasonably cover any associated costs incurred by the Council.
- 7.1.2 Any costs that will need to be borne by the Council should, however, be considered and balanced against the longer-term benefits of facilitating significant and sustainable economic growth.
- 7.1.3 If the amendment to the LDO is not approved, there may be an indirect financial impact arising from delays to site development, leading to reduced business rates receipts and deferred Section 106 contributions to support infrastructure, as referenced in paragraph 4.45. This is likely to adversely impact the delivery of the overall Freeport Business Plan the funding of which is predicated on business rates receipts.

### **7.2. Legal Implications**

- 7.2.1 Local Planning Authorities (LPA) can grant planning permission for development specified in an LDO. The legislative procedures that must be followed in order to bring forward and adopt an LDO (or in this case make amendments to an existing LDO) are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and Articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Schedule 4A(3) of the Town and Country Planning Act 1990 specifies that an LDO (or in this case amendments to an existing LDO) is of no effect unless it is adopted by resolution of the LPA. The legislation does not distinguish between original drafting and revising, and therefore the same procedures apply (e.g. a requirement for a minimum 28 days consultation on draft proposals with prescribed bodies and other bodies, as per a conventional planning application).
- 7.2.2 Approval of a LDO, and amendments to an existing LDO, is an executive function and therefore one to be taken by Cabinet, not Council. This has been confirmed by external legal advice.
- 7.2.3 The allocation of functions between the executive (the Cabinet) and the Council is determined by reference to (1) the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (“the 2000 Regs”); and (2) subject to that, the Council’s Constitution.

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

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

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

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

### 7.3. **Equalities Implications**

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

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

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

### 7.5. **Biodiversity Net Gain**

See relevant sections within the report relating to BNG provision.

### 7.6. **Implications for Local Government Reorganisation (LGR)**

Not applicable.

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

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

## 9. Recommendation

It is RECOMMENDED that Cabinet:

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

<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>	The Ratcliffe on Soar Local Development Order and associated documents are available at: <a href="https://planningon-line.rushcliffe.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=REUKMZNL0CB00">https://planningon-line.rushcliffe.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=REUKMZNL0CB00</a>
<b>List of appendices:</b>	Appendix 1: Ratcliffe on Soar LDO – Schedule of Proposed Amendments (updated version) Appendix 2: Summary of consultation comments on proposed LDO amendments Appendix 3: Ratcliffe on Soar Local Development Order Proposed Amendments (consultation version) Appendix 4: Ratcliffe on Soar LDO – Schedule of Proposed Amendments (consultation version) Appendix 5: Data Centre Opportunity at Ratcliffe-on-Soar Briefing Paper (consultation version) Appendix 6: East Midlands Combined County Authority AI Growth Zone Bid – <b>Exempt Item</b>

**Appendix 1: Ratcliffe on Soar LDO – Schedule of Proposed  
Amendments (updated version)**

# Ratcliffe-on-Soar Local Development Order

## Schedule of Proposed Amendments (latest)

March 2026

### Preamble

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

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

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

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

## Ratcliffe-on-Soar Local Development Order

# Schedule of Proposed Amendments (latest)

March 2026

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

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

### 1. Amendments to allow Data Centres on Southern Site

#### 1.1 Changes to Local Development Order and Statement of Reasons

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

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

Section/paragraph	Current Text	Proposed amendment
		<p><i>creative industries. These changes include:</i></p> <p><i>Section 6, paragraph 86 of the NPPF, <b>Building a strong, competitive economy</b>, which states that:</i></p> <p><i>Planning Policies should:</i></p> <ul style="list-style-type: none"> <li><i>c) pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, <b>data centres</b>, digital infrastructure, freight and logistics;</i></li> </ul> <p><i>and paragraph 87 states that</i></p> <p><i>Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:</i></p> <ul style="list-style-type: none"> <li><i>a) <b>clusters or networks of knowledge and data-driven, creative or high technology industries</b>; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (<b>including data centres and grid connections</b>);</i></li> </ul> <p><i>In addition, from September 2024, the government has categorised Data Centres as <b>Critical National Infrastructure</b>, placing them in the same category as Energy and Water. This means that data centres will benefit from government support in terms of security and in the event of critical incidents but is also in recognition of the significant economic and employment benefits that they bring.</i></p>

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

## 1.2 Changes to Design Guide

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

## 1.3 Changes to Parameter Plans

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

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

### 2.1 Changes to Local Development Order and Statement of Reasons

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

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

### 3.1 Changes to Local Development Order and Statement of Reasons

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

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

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

East Midlands  
Combined County  
Authority

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

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

Unclear whether the changes alter the original very special circumstances.

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

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

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

Nottinghamshire County  
Council – Planning  
Policy

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

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

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

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

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

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

Archaeological matters pose no concern provided the ARMP is implemented.

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

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

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

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

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

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

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

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

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

## **Ratcliffe-on-Soar Local Development Order**

# **Proposed Amendments**

November 2025

### **Preamble**

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

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

# Ratcliffe-on-Soar Local Development Order

## Proposed Amendments

### November 2025

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

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

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

## 1. Data Centres on Ratcliffe's Southern Site

### 1.1 Context and Government Policy

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

Government is actively working to ensure that the UK can attract this investment and benefit from the growth of AI. Government has published its AI Opportunities Action Plan<sup>1</sup> which seeks to establish Artificial Intelligence Growth Zones (AI Growth Zones) to help accelerate the delivery of data centres and AI infrastructure.

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

### 1.2 Planning Policy Changes

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

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

*Planning Policies should:*

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

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

and paragraph 87 states that

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

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

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

### **1.3 Data Centres and the Ratcliffe-on-Soar LDO**

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

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

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

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

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

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

## 1.4 Proposed Amendments

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

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

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

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

## 2. Providing Biodiversity Net Gain

### 2.1 Context

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

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

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

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

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

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

## **2.2 Proposed Amendment**

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

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

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

## **3. Local Labour Agreements**

### **3.1 Context**

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

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

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

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

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

### 3.2 Proposed Amendment

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

## 4. Legislative Framework & Guidance for LDO Amendments

Good practice guidance produced by PAS<sup>2</sup> emphasises the need to build in flexibility to LDOs and allow for their review, stating, “*It is important that LDO’s do not constrain opportunities to respond to future development demands or to keep up to date with changes in technology or new standards*”.

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

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

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

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

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

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

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

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

## **5. Alignment with the formal LDO Review Process**

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

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

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

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

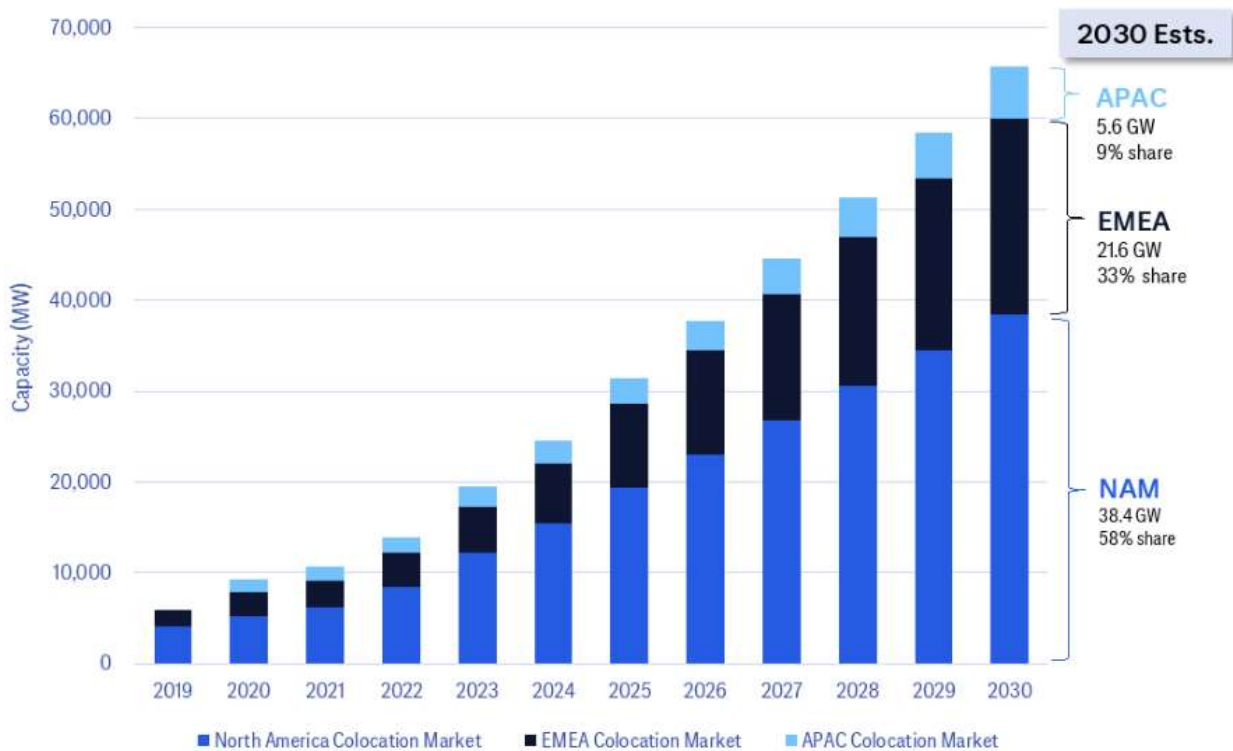
## Appendix A

# Data Centre Case Studies & Economic Benefits

### Data Centre Market Conditions

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

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



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

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

## Data Centres – example projects (by Arup)



Equinix 24MW



Equinix 24MW



Hyperscale WXT 90MW



Hyperscale 60MW



Avalon UK 120MW



Hyperscale 96MW

## Local economic benefits

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

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

## Unlocking the LDO Site

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

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

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

## Case Study - Hertsmere

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

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

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

In making the announcement of data centres as Critical National Infrastructure the Technology Secretary, Peter Kyle, cited the investment of nearly £4 billion in Hertsmere - Europe's largest data centre. He said will support almost 14,000 jobs across the country<sup>5</sup>.



Visualisation of the Hertsmere data centre (Source - DC01UK)

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<sup>4</sup> Source: Planning Magazine online article 24<sup>th</sup> February 2024

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

## Case Study – Abbots Langley

In May 2025 outline permission for a data centre comprising 2 buildings totalling 84,000sqm of floorspace on Green Belt land at Abbots Langley in Hertfordshire was approved on planning appeal<sup>6</sup>. The appeal was called in and determined by the Housing Minister where it was agreed that the land constituted ‘Grey Belt’ land. The Inspector attributed significant weight to “a clear and pressing need for new data centre capacity”, a lack of alternative sites, the economic and employment benefits and the creation of a country park.



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

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<sup>6</sup> Source: Planning Magazine online article 13<sup>th</sup> May 2025

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

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

### Preamble

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

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

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

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

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

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

# Ratcliffe-on-Soar Local Development Order

## Schedule of Proposed Amendments

November 2025

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

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

### 1. Amendments to allow Data Centres on Southern Site

#### 1.1 Changes to Local Development Order and Statement of Reasons

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

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

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

### 1.2 Changes to Design Guide

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

### 1.3 Changes to Parameter Plans

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

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

### 2.1 Changes to Local Development Order and Statement of Reasons

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

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

### 3.1 Changes to Local Development Order and Statement of Reasons

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

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

## Data Centre Opportunity at Ratcliffe-on-Soar Briefing Paper

November 2025

### Preamble

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

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

## Data Centre Opportunity at Ratcliffe-on-Soar Briefing Paper

November 2025

### Introduction

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

Government is working proactively to ensure that the UK can attract and benefit from data centre investments and has published an AI Opportunities Action Plan<sup>1</sup>, and made changes to the National Planning Policy Framework that make clear that planning policies and decisions should place greater emphasis on uses, including data centres and digital infrastructure, that meet the needs of a modern economy<sup>2</sup>. The Ratcliffe Site is very well placed to capitalise on this ambition, having unique characteristics which make it highly attractive to data centre developers and investors.

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

### Data Centres

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

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

*Images –Recently approved Hertsmere data centre*



### Positive Economic Impacts

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

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

<sup>2</sup> NPPF Section 6, paragraphs 86 and 87

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

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

### **A Data Centre at Ratcliffe**

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

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

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

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

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

### **The Benefits for Rushcliffe**

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

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

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

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

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

### **Summary**

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

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