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# RATCLIFFE-ON-SOAR LOCAL DEVELOPMENT ORDER



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# LOCAL DEVELOPMENT ORDER AND STATEMENT OF REASONS

JULY 2022



**Rushcliffe Borough Council**

## Ratcliffe-on-Soar Local Development Order

Ratcliffe-on-Soar Local Development Order and Statement of Reasons

Reference: RBCLDO-ARUP-ZZ-XX-RP-YP-0002

| July 2022



This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 283253-00

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## Preface

This document is the Consultation Draft version of the Ratcliffe-on-Soar Local Development Order. Although it is written as the final version, it will be subject to revision to take into account feedback received following the period of statutory consultation and review prior to its adoption. In addition, there are sections that will need to be added or areas where it will be supplemented. This includes the outcome of the statutory consultation, for example, the conditions and mitigation measures that will be informed by feedback and requirements arising from the consultation.

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## Abbreviations List

Abbreviation	Meaning
AOI	Area of Influence
ARMP:OMS	Archaeological Remains Management Plan: Outline Mitigation Strategy
BNG	Biodiversity Net Gain
CoCP	Code of Construction Practice
D2N2 LEP	Derby, Derbyshire, Nottingham and Nottinghamshire Local Enterprise Partnership
EA	Environment Agency
ECoW	Ecological Clerk of Works
EIA	Environmental Impact Assessment
EM DevCo	East Midlands Development Company
EMAGIC	East Midlands Airport and Gateway Industrial Cluster
EMERGE Centre	East Midlands Energy Re-Generation Centre
EMGM	East Midlands Gateway Model
EMIP	East Midlands Intermodal Park
ES	Environmental Statement
EV	Electric Vehicle
FAQs	Frequently Asked Questions
GFA	Gross Floor Area
GNSP	Greater Nottingham Strategic Plan
GPDO	Town and Country Planning (General Permitted Development) (England) Order 2015
HGV	Heavy Goods Vehicle
HMA	Housing Market Area
HS2	High Speed Two
LDO	Local Development Order
LEP	Local Enterprise Partnership
LLA	Local Labour Agreement
LLEP	Leicester and Leicestershire Enterprise Partnership
LNR	Local Nature Reserve
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
MMP	Materials Management Plan



Abbreviation	Meaning
MP	Member of Parliament
NET	Nottingham Express Transit
NPPF	National Planning Policy Framework
PAS	Planning Advisory Service
PP	Phasing Plan
PPE	Personal Protective Equipment
PSTP	Plot Specific Travel Plan
PV	Photovoltaics
R&D	Research and Development
SCI	Statement of Community Involvement
SRMP	Soil Resource Management Plan
SSSI	Site of Special Scientific Interest
SWMP	Site Waste Management Plan
SWTP	Site Wide Travel Plan
SWTP	Site Wide Travel Plan Framework
TPC	Travel Plan Coordinator
WPAI	Written Programme of Archaeological Investigations
WSAI	Written Scheme of Archaeological Investigation

# 1. Introduction to the Ratcliffe-on-Soar Local Development Order

## 1.1 Purpose

The Ratcliffe-on-Soar Local Development Order (“the LDO”) grants planning permission for the redevelopment of the Ratcliffe-on-Soar Power Station Site (“the Site”).

## 1.2 Background

The use of Local Development Orders (LDOs) is recommended in national planning policy guidance as a means of simplifying and streamlining the planning process for certain sites and types of development which are specified by the Local Planning Authority (LPA). LDOs can create certainty for investors, speed up the planning process and accelerate delivery of development, whilst enabling the LPA to retain control over the future use and development. The Planning Advisory Service (PAS) has provided guidance on the formation of LDOs<sup>1</sup> and this guidance encourages LPAs and landowners to work together when preparing LDOs. The use of LDOs to bring forward development on Freeport sites is also encouraged.<sup>2</sup>

The decision to prepare an LDO for the Redevelopment of the Site (“the Proposed Development”) was approved by the Rushcliffe Borough Council (“the Council”) Cabinet in November 2021.<sup>3</sup> The report to Cabinet states that the LDO is considered the best route to secure the reuse of those parts of the Site that will be redundant after decommissioning and demolition of the Ratcliffe-on-Soar Power Station and, concurrently, to provide planning certainty in time to enable new businesses to be operational by September 2026. This is currently the final date by which businesses must be operational in order to qualify for full Freeport benefits.

In developing the Ratcliffe-on-Soar LDO, the Council has worked collaboratively with Uniper, owner of the Site. This has enabled the preparation of an LDO which meets shared objectives for the Site, and which delivers on the transformational opportunity it represents for the economy of Rushcliffe, the region, and the UK as a whole. Ove Arup & Partners Ltd (“Arup”) has been engaged to support the Council in preparing the draft LDO, the associated documentation (listed in Appendix A) and the Environmental Statement (ES).

The Council, in exercise of the powers conferred by sections 61A–61D of and Schedule 4A to the Town and Country Planning Act 1990 (as amended),<sup>4</sup> and pursuant to the Town and Country Planning (Development Management Procedure) (England) Order 2015,<sup>5</sup> has prepared the LDO, which shall be known as the “Ratcliffe-on-Soar Local Development Order”.

## 1.3 Document Structure

The Ratcliffe-on-Soar LDO is separated into two Parts, for ease of use in interpreting the LDO and navigating the compliance process:

- Part 1 (Chapters 2 to 4) – sets out the development for which the Ratcliffe-on-Soar LDO grants planning permission, the conditions associated with any permitted development and the process which must be followed to achieve a Certificate of Compliance prior to the commencement of any development on any part of the Site; and

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<sup>1</sup> <https://www.local.gov.uk/sites/default/files/documents/LDO%20Guidance%20Document%20March%202019.pdf>

<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/935493/Freeports\\_Bidding\\_Prospectus\\_web\\_final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/935493/Freeports_Bidding_Prospectus_web_final.pdf)

<sup>3</sup> <https://democracy.rushcliffe.gov.uk/documents/s9313/Local%20Development%20Order.pdf>

<sup>4</sup> <https://www.legislation.gov.uk/ukpga/1990/8/contents>

<sup>5</sup> <https://www.legislation.gov.uk/uksi/2015/595/contents/made>

- Part 2 (Chapters 5 to 7) – sets out the wider context for the Ratcliffe-on-Soar LDO, the Statement of Reasons, the strategic and planning policy considerations, and other items required by the legislation and LDO regulations.

Part 1 is structured as follows:

- Chapter 2 sets out the development for which the Ratcliffe-on-Soar LDO grants planning permission;
- Chapter 3 sets out the conditions imposed on any development permitted by the LDO, to ensure that it is acceptable in planning and procedural terms; and
- Chapter 4 outlines the process which prospective occupiers wishing to undertake development permitted by the LDO will have to follow to achieve a Certificate of Compliance, prior to the commencement of development.

Part 2 is structured as follows:

- Chapter 5 sets out the LDO background, purpose and principles, explains the legislative context for the preparation and adoption of an LDO, including requirements for non-statutory and statutory consultation;
- Chapter 6 provides a detailed description of the existing Ratcliffe-on-Soar Power Station Site (“the Existing Site”), including its current operational uses, the surrounding context, and its environmental conditions; and
- Chapter 7 sets out the Statement of Reasons which comprises the strategic case for adoption of the LDO.

The Appendices are structured as follows:

- Appendix A provides a list of the proposed LDO documents and supporting documents;
- Appendix B provides a copy of the Application Form for a Certificate of Compliance; and
- Appendix C provides a Schedule of Mitigation Requirements and guidance for the production of the Transport and Biodiversity Mitigation Strategy.



# LDO PART 1

## Permitted Development

## 2. Ratcliffe-on-Soar LDO

This Order is adopted by the Council under the powers conferred on it as the LPA by sections 61A–61D of and Schedule 4A to the Town and Country Planning Act 1990 (as amended) (“the Act”) and pursuant to the Town and Country Planning (Development Management Procedure) (England) Order 2015 and shall be known as the “Ratcliffe-on-Soar Local Development Order” [*Text to be added at Formal Adoption*].

### 2.1 The Site

The Site which will be the subject of the LDO is demarcated by the red line boundary in Figure 1. This is indicated on the Site Location drawing (reference: RBCLDO-ARUP-ZZ-XX-DR-A-0001) and LDO Boundary drawing (reference: RBCLDO-ARUP-ZZ-XX-DR-A-0002) prepared alongside the LDO. The Site comprises approximately 265 ha extending north and south of the A453.

The land north of the A453 (the Northern Area) amounts to 155 ha and forms the operational premises of the Power Station. This currently includes coal stock yards, turbine-generators, cooling towers, transformers and other infrastructure related to the Power Station. Site offices, training facilities (Uniper Engineering Academy) and a Research & Development centre (Uniper Technologies) are located in this area. Some land on the north-eastern periphery is used for agricultural purposes.

The land south of the A453 (the Southern Area) amounts to 110 ha and is partly used for agriculture and woodland. It also includes the Winking Hill Ash Disposal Site, a permitted waste disposal facility for inert fly ash – a by-product of coal combustion arising from the operation of the power station. Permitted activities to extract and reprocess ash for external use in construction are currently undertaken in localised areas. High-voltage overhead and underground electricity cables also cross this area.

A large portion of the Site is included within the East Midlands Freeport,<sup>6</sup> which was announced as a successful Freeport bid by the UK Government in March 2021 and gained formal Freeport tax site designation on 22 March 2022. The Government has set out an ambitious programme for Freeports and expects significant development to have been delivered by the end of September 2026. The Freeport boundary is shown in Figure 3 within Section 7.3 of this document.

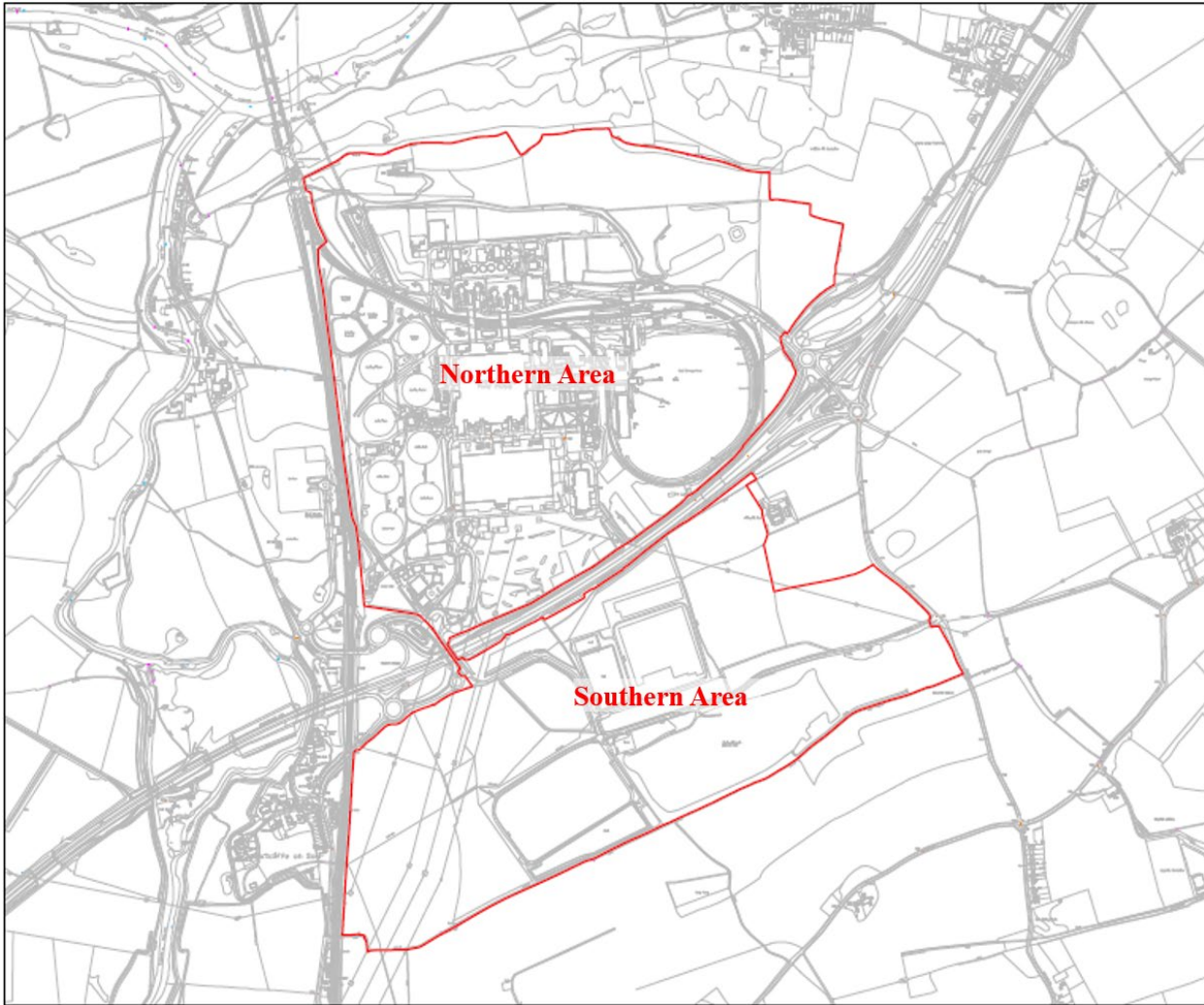
The Site is also included within the East Midlands Development Company,<sup>7</sup> which is described within Section 7.3.

The Site is located within the administrative boundary of Rushcliffe Borough Council, and the whole Site sits within the Nottingham–Derby Green Belt. Uniper is the landowner of the Site.

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<sup>6</sup> <https://www.emfreeport.com/>

<sup>7</sup> <https://www.emdevco.co.uk/>



**Figure 1 – Ratcliffe-on-Soar LDO site boundary**

## **2.2 Description of Development**

The Proposed Development comprises the following types of land uses, and associated quantum of development consented by the LDO:

*“New development comprising*

*i) the erection of buildings up to a maximum gross floor area (GFA) of 810,000 m<sup>2</sup> to accommodate the following uses:*

- *Energy Generation & Storage;*
- *Advanced Manufacturing & Industrial (Class E(g)(iii) & B2);*
- *Data Centre;*
- *Logistics (Class B8) up to a maximum of 180,000 m<sup>2</sup> (GFA) on the Northern Area only;*
- *Research & Development & Offices (Class E(g) (i) & (ii));*
- *Education (Skills and Training) (Class F1(a)), and;*
- *Community hub providing complementary services and uses primarily for the occupiers of the Site, including an active travel mobility centre, small scale retail (Class F2(a)), one café/bar (Class E(b)), one hot food takeaway (sui generis), a creche or children’s nursery (Class E (f)), a gym or fitness facility (Class E (d)) and one hotel not exceeding 150 beds (Class C1).*

ii) up to 10 ha of ground-mounted solar power generation within Plot B only.

*Together with associated infrastructure including energy distribution and management infrastructure, utilities and associated buildings and infrastructure, digital infrastructure, car parking, recycling facilities, a site-wide sustainable water management system and associated green infrastructure, access roads and landscaping.*

*The development permitted by the LDO also includes any operations or engineering works necessary to enable the development of the Site, including:*

- *excavation, and earthworks,*
- *the formation of compounds for the stockpiling, sorting and treatment of excavated materials,*
- *import of material to create development platforms,*
- *piling, and any other operations or engineering necessary for site mobilisation,*
- *temporary office and worker accommodation, and*
- *associated environmental, construction and traffic management.”*

## **2.3 LDO Parameters and Design Guide**

The Proposed Development is defined by Description of Development in Section 2.2, the LDO Design Guide and the Parameter Plans, which set out the acceptable location and distribution of development across the Site. The Parameter Plans form the basis of the Environmental Statement and are further described in the LDO Design Guide. Each of the plans drawing references can be found in Appendix A.

The following plans set out the parameters within which future development must fit:

- Development Plots – showing maximum plot coverage, car parking and landscaping requirements;
- Access and Circulation – showing routes for principal highways, railways (both the existing freight line to be retained and Network Rail infrastructure), cycleways, Public Rights of Way and footways;
- Strategic Infrastructure Zones – showing the location of strategic infrastructure across the Site;
- Permitted Uses – plan, indicating where specified uses can be located;
- Strategic Landscape – site-wide landscape and ecology areas, buffers, waterbodies, green corridors;
- Maximum Heights – detailing the maximum building height in development plots;
- Rail Information – showing details around the retained rail freight line;
- Proposed Site Levels; and
- Site Sections.

The Design Guide is intended to inform and support the process of preparing an Application for a Certificate of Compliance under the LDO. It sets out broad Design Principles that will be applied by the Council when assessing compliance applications and will help to ensure that such applications deliver the outcomes aligned to the vision and objectives of the LDO and also assist in a timely and efficient determination of such applications by the Council.

Other design considerations included within the Design Guide present further opportunities to strengthen placemaking, ensure that the development is an attractive place to work and responds positively to its surrounding landscape and nearby communities. A full list of the LDO documentation can be found in Appendix A.

## 2.4 Development Permitted by the LDO

The LDO came into force on <<insert date on which the LDO is made>> and, subject to the Secretary of State or the Council's power to revoke or modify the LDO, will remain in force for a period of 25 years from that date. The uses permitted by the Ratcliffe-on-Soar LDO are set out in Table 1.

**Table 1 – Uses Permitted under the LDO**

Use Class	Definition	Limitations	Indicative Use Relating to LDO
Sui Generis	Energy Generation and Storage	Maximum 10 ha of ground-mounted solar power generation within Plot B only; excludes wind generation.	Hydrogen production, solar power generation including rooftop solar, energy storage technology
B2 & E (g) (iii)	Advanced Manufacturing and Industrial Uses		Advanced manufacturing and industrial uses such as 'gigafactories' for electric vehicle or battery manufacture, providing high-quality / highly skilled jobs, decarbonisation technology to support transition to net zero or taking advantage of co-location to allow energy to be used more efficiently
B8/Sui Generis	Data Centre		
B8	Logistics, Storage or Distribution	Total logistics floorspace not to exceed 180,000 m <sup>2</sup> GFA and restricted to the Northern Area only.	Logistics, storage and distribution with access to the rail freight siding
E(g) (ii)	Research and Development		R&D facility, potentially partnered with a university or similar
E(g) (i)	Offices		
F1 (a)	Learning and non-residential institutions		Skills and training education at Further/Higher level
F2 (a)	Local Community Uses	Maximum 280 m <sup>2</sup>	Small scale retail, providing essential goods primarily for site users
C1	Hotels	1 hotel limited to maximum 150 rooms, with small ancillary meeting rooms	Hotel and ancillary meeting facilities
E(b)/E(f)/E(d) Sui Generis	Complementary Service uses	Primarily for site users. Food and beverage. Maximum 1 × Café/ Bar, 1 × creche/nursery, 1 × gym/fitness centre and 1 × hot or cold food takeaway.	Café / coffee shop, creche/day nursery, gym/fitness centre Active travel mobility centre Travel hub(s) / bike hire, visitor centre / hall, central security / estate maintenance, station entrance building

The Ratcliffe-on-Soar LDO grants planning permission for development as described in Section 2.2, subject to the Permitted Uses Parameter Plan (reference: RBCLDO-ARUP-ZZ-XX-DR-A-0014) which sets out where specified uses can be located within the Site.

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 acceptable uses as set out in Design Principle LU6 and requires potential development to meet at least one of the following characteristics:

- 1) Provide high quality employment, well paid, highly skilled jobs;
- 2) Produce the technology needed to deliver the net-zero transition;
- 3) Produce, store and manage low-carbon and green energy;
- 4) Businesses with high power or heat demands – where co-location allows energy to be used more efficiently;
- 5) Modern industrial and/or logistics facilities applying high-tech processes to improve efficiency;
- 6) Promote cross-fertilisation of ideas and innovation through education or training; and
- 7) Provide complementary services primarily to support the occupiers of the Site.

The development permitted by the LDO also includes any operations or engineering works necessary to enable the development of the Site, including:

- excavation, and earthworks;
- the formation of compounds for the stockpiling, sorting and treatment of excavated materials;
- import of material to create development platforms;
- piling, and any other operations or engineering necessary for site mobilisation;
- temporary office and worker accommodation; and
- associated environmental, construction and traffic management.

In addition, the development permitted by the LDO also includes associated infrastructure, including:

- energy distribution and management infrastructure;
- utilities infrastructure and associated buildings;
- digital infrastructure;
- car parking; and
- a site-wide sustainable water management system and associated green infrastructure, internal access roads and landscaping.

## **2.5 Minor Operations permitted by the LDO**

In addition to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO),<sup>8</sup> or any order revoking and/or re-enacting that Order with or without amendment, the LDO permits minor operational developments where it amounts to development under planning legislation and takes effect on completion of the permitted development under the terms outlined in Section 2.4.

Minor operational development which would be permitted by the LDO is:

- Changes to external appearance of existing buildings (with the exception of those facades described in Design Principle A9 of the Design Guide and associated key criteria), including recladding, alterations to doors and windows;
- Changes to access to buildings;
- Reorganisation but not reduction of vehicle parking spaces;

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<sup>8</sup> <https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/2/made>



- Provision of cycle parking;
- Provision of covered bin stores and recycling facilities;
- Installation of small electrical substations up to 29 m<sup>3</sup>;
- Installation of a means of enclosure (wall or fencing) up to 4 m in height; and
- Utility installation serving the development (e.g. provision of electricity, water, sewerage and communications infrastructure) carried out on, in, under or over that land or on land adjoining it.

## **2.6 Other Consents**

This LDO removes the requirements to obtain express planning permission to undertake development within the LDO's prescribed uses and parameters, set out in Sections 2.2 to 2.5, but would not remove the requirement to obtain other statutory consents including, but not limited to, Advertisement Consent, demolition consent, consents under highways legislation, consent to divert a Public Right of Way, Building Regulations approval, environmental licensing and permitting, and Health and Safety Executive consents. It will remain the responsibility of the developer and future occupiers to ensure that all other statutory requirements are met.

## 3. Conditions

### 3.1 Introduction

The LDO includes planning conditions to ensure that any development is acceptable in planning and procedural terms. The conditions complement and sit alongside a Schedule of Mitigation Requirements which is integral to the compliance process, and which has been informed by the findings of the Environmental Statement and the Transport Assessment. The Mitigation Requirements are included within Appendix C.

The planning conditions imposed by the LDO are set out in Table 2. As part of the completion of an application for a Certificate of Compliance, each applicant will be required to confirm and demonstrate that they have complied with the conditions through completion of the table within Section 9 of the Certificate of Compliance Application, located in Appendix B of this LDO.

**Table 2 – List of conditions**

No	Condition	Reason
1.	<p>The LDO and the terms within it will be active for a period of 25 years following the day of its adoption and will expire following this period. The Council will review progress with the LDO on the 3rd anniversary of its adoption and at 5 yearly intervals thereafter, to be able to fully reflect on the continued suitability of the LDO in the light of any changes to planning policy and market conditions. The review will be completed within 28 days of the review anniversary and at the end of the review the Council will determine whether to:</p> <ul style="list-style-type: none"> <li>• Retain the LDO as it stands for the remaining years of its life;</li> <li>• Retain the LDO but revise some elements / provisions of the LDO; or</li> <li>• Revoke and cancel the LDO.</li> </ul> <p>Development which has a valid Certificate of Compliance at the time of any revision or revocation may be commenced under the provisions of the LDO up to 3 years from the date of revocation or revision.</p>	<p>In order that the economic benefits of the LDO can be secured and that the development coming forward reflects the original objectives and purposes of the LDO.</p>
2.	<p>The development hereby permitted must not be commenced in relation to any part of the Site until an Application for a Certificate of Compliance for the development of that part of the Site has been submitted to the Council (in accordance with Appendix B of this LDO) and a Certificate of Compliance has been issued in respect of that development by the Council.</p>	<p>To enable the development proposals to be fully assessed in line with the vision, aims and objectives of the LDO and its supporting documents including the Design Guide, Transport Assessment and Environmental Assessment.</p>
3.	<p>All development permitted by this LDO must be carried out strictly in accordance with all of the following:</p> <ul style="list-style-type: none"> <li>• the criteria and conditions set out within the LDO and all of its accompanying Parameter Plans and Design Guide;</li> <li>• the Certificate of Compliance Application Form and all of its accompanying documents; and</li> <li>• the conditions contained within any Certificate of Compliance issued by the Council.</li> </ul>	<p>To ensure high-quality sustainable development, in line with the aims and objectives of the LDO.</p>
4.	<p>Not less than 14 days prior to the commencement of development on that part of the site, an LDO Commencement Notice shall be submitted to the Council.</p>	<p>To enable the monitoring of development and the effective implementation of the LDO.</p>
5.	<p>Prior to the first submission of an application for a Certificate of Compliance, a Transport and Biodiversity Mitigation Strategy shall be submitted to and approved in writing by the Council.</p> <p>This should demonstrate how the measures contained within the Schedule of Mitigation Requirements at Appendix C of this LDO</p>	<p>To ensure that there is an appropriate mechanism in place for securing the delivery of the mitigation measures necessary to address the impacts of the development over the course of its construction and operation and to ensure that</p>

No	Condition	Reason
	<p>will be delivered in a progressive manner alongside the phased development of the whole Site.</p> <p>The Approved Transport and Biodiversity Mitigation Strategy must be updated and submitted with each Certificate of Compliance Application to demonstrate that the appropriate mitigation is being delivered and/or to reflect a material change in circumstances.</p> <p>All development carried out within the Site must be in accordance with the Approved Transport and Biodiversity Mitigation Strategy.</p>	<p>mitigation to be delivered alongside the phased delivery of the development.</p>
6.	<p>No building that results in the total quantum of development on the Site exceeding 610,000 m<sup>2</sup> GFA, or which generates in excess of 560 vehicle trips to the development in the morning peak period (08.00 to 09.00), may be occupied until the M1 Junction 24 improvement works identified in the Transport Assessment (or other mitigation measures agreed with the Council and National Highways) have been implemented or an agreement is in place between the developer and the relevant highway authority for the delivery of these works.</p>	<p>To ensure that the required transport mitigation measures are delivered at the appropriate time to address the impacts from the development that are identified in the Transport Assessment prepared to support the preparation of the LDO.</p>
7.	<p>The development hereby permitted must not be commenced in relation to any part of the Site until a Code of Construction Practice (CoCP) for that development has been submitted to and approved in writing by the Council. The CoCP must address all construction impacts identified in the Environmental Statement and as summarised in Table C in Appendix C of this LDO. The development shall only be carried out in accordance with the approved CoCP.</p>	<p>To ensure that the impacts arising from the construction of development permitted by this LDO are appropriately managed and controlled.</p>
8.	<p>The development hereby permitted must not be commenced in relation to any part of the Site and there must not be any preparatory operations in connection with the development carried out on any part of the Site (including site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until an Archaeological Remains Management Plan: Outline Mitigation Strategy (ARMP:OMS) has been submitted to and approved in writing by the Council.</p> <p>The ARMP:OMS must outline the archaeological mitigation that is required in respect of each plot or development area within the Site and include provision for the monitoring of each plot or development area by a suitably qualified archaeologist or archaeological organisation as development is undertaken. The ARMP:OMS must be updated with each application for a Certificate of Compliance to reflect the understanding of the archaeological potential of the Site as development progresses.</p> <p>All applications for a Certificate of Compliance submitted under this LDO in respect of a specific plot or development area must include a Written Scheme of Archaeological Investigation (WSAI) which, as a minimum, must include a desk based assessment of the plot or development area. The WSAI must be prepared by a suitably qualified archaeologist or archaeological organisation and identify the extent and significance of any archaeological items or features that might be affected by the development of the plot or development area and propose a mitigation strategy for such items or features (i.e. preservation by record, preservation in situ or a mix of these elements), having regard to the latest version of the ARMP:OMS. If the WSAI identifies a potential for archaeology within the plot or development area, then development within that plot or area must not be commenced and there must not be any preparatory operations in connection with the development of that plot or area (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a Written Programme of Archaeological Investigations (WPAI) has been submitted to and approved in writing by the Council. The WPAI must include the following:</p>	<p>To ensure that the impacts arising from the construction of development permitted by this LDO are appropriately managed and controlled</p>

No	Condition	Reason
	<ul style="list-style-type: none"> <li>• a methodology for site investigation and recording of archaeological items and features;</li> <li>• a timetable for carrying out such investigations on the site;</li> <li>• a programme for post investigation assessment;</li> <li>• provision for the analysis of the site investigations and recordings;</li> <li>• provision for the publication and dissemination of the analysis and records of the site investigations;</li> <li>• provision for the archive deposition of the analysis and records of the site investigation; and</li> <li>• nomination of the qualified archaeologist or archaeological group who will undertake the works set out in the WPAI.</li> </ul> <p>The development of the plot or development area must be carried out and completed in accordance with the approved WSAI and any WPAI.</p> <p>The development of the plot or development area must not be occupied or first brought into use until a written report detailing the results and post investigation assessments of any archaeological works that have been undertaken on the plot or development area has been submitted to and approved in writing by the Council.</p>	
9.	<p>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.</p>	<p>In order to maximise the economic benefits to the local community.</p>
10.	<p>Prior to any development within any part the Site being occupied or first brought into use, a Site Wide Travel Plan (SWTP) must be submitted to and approved in writing by the Council. The SWTP must be informed by and incorporate the measures included in the Site Wide Travel Plan Framework document prepared in support of the LDO and must make provision for the appointment of a Site Wide Travel Plan Coordinator along with arrangements for monitoring and review of the SWTP.</p> <p>All applications for a Certificate of Compliance submitted under this LDO in respect of a traffic generating use of a specific plot or development area must include a Plot Specific Travel Plan (PSTP). The PSTP must be based upon the approved SWTP, with a monitoring regime to achieve preliminary modal shift targets and supporting mechanisms for securing additional sustainable transport measures. The development must be operated in accordance with the approved PSTP and SWTP.</p>	<p>In order to ensure that the development includes measures to encourage reduced dependency on the private car as a mode of travel.</p>
11.	<p>The development hereby permitted must not be commenced in relation to any part of the Site until a Phasing Plan (PP) has been submitted to and approved in writing by the Council. The PP must set out a programme and methodology for the phased delivery of each of the specific development plots, the on-site strategic transport provision, landscaping, infrastructure and utilities.</p> <p>The PP must be updated and submitted with each application for a Certificate of Compliance submitted under this LDO to demonstrate that the appropriate sitewide infrastructure is being delivered as required and/or to reflect a material change in circumstances. The development must be carried out in accordance with the approved PP.</p>	<p>To secure the appropriate and timely delivery of essential infrastructure and services required to bring forward the development.</p>

### **3.2 Alignment of the Environmental Statement, Transport Assessment and Schedule of Mitigation Requirements**

The Environmental Statement identifies the potential environmental effects arising from the Proposed Development that should be mitigated as part of any development permitted by the LDO. Further details can be found in Appendix 20-1: Mitigation and Commitments Register in Volume 4 of the ES. The Transport Assessment identifies mitigation measures necessary to address transport impacts arising from the development; the proposed measures are set out in Section 8 of the Transport Assessment (document reference: RBCLDO-ARUP-ZZ-XX-RP-YP-0003).

The mitigation measures identified in the Environmental Statement and in the Transport Assessment will be secured through:

- Submission of drawings and documents required with each Certificate of Compliance application and listed in the Submission Checklist within Appendix B;
- Through subsequent submission of any details required by the conditions listed in Table 2, including submission of a Transport and Biodiversity Mitigation Strategy aligned with the requirements of the Appendix C of the LDO;
- Applications for a Certificate of Compliance must also set out the specific mitigation measures that will be delivered as part of the Proposed Development; and
- Through relevant conditions applied to approved Certificates of Compliance.

### **3.3 Biodiversity Net Gain**

Habitat compensation is proposed to be delivered through a Transport and Biodiversity Mitigation Strategy that shall be submitted and approved through the application for a Certificate of Compliance process. The Strategy can be updated as each application is submitted in order to monitor the delivery of mitigation and ensure mitigation is delivered progressively as the development proceeds.

An assessment of the existing BNG Baseline, including a condition assessment, has been undertaken and the DEFRA BNG Metric 3.1 utilised to calculate the BNG units on the existing site. Based on the aspiration to achieve a 10% Net Gain in Biodiversity following completion of the development the following BNG units would be required:

- Habitat units = 974 units
- Hedgerow units = 45 units
- River units = 17 units

As part of the Transport and Biodiversity Mitigation Strategy incorporated in the Certificate of Compliance process, the Developer shall confirm how these BNG units are to be provided. The following hierarchy should be applied when providing BNG units, and Developers should provide evidence as to how they have applied this hierarchy to determine the BNG units they will provide as part of their Certificate of Compliance Applications. A financial contribution will only be accepted after the Council is satisfied that all other options have been explored:

- 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 with management agreement for 30 years via:
  - 2.1) Provision of BNG units on land elsewhere in Rushcliffe Borough and/or nearby through agreement with a third party.
  - 2.2) Funding provided to a third party to provide BNG units elsewhere in Rushcliffe Borough and/or nearby.
  - 2.3) Provision under landowner national scheme

- 2.4) Payment to a private BNG provider.
- 3) Other environmental mitigation proposals<sup>9</sup> as agreed with the Council may be implemented. Such proposals shall be equated to BNG units using the ratio “cost of works divided by £20,000<sup>10</sup> = 1.25 BNG units”
- 4) A financial contribution in lieu of BNG payable to the Local Authority. The sum payable shall be calculated using the rate 1 BNG Unit = £20,000.<sup>11</sup>

### 3.4 Delivery of Mitigation

The mitigation requirements can be delivered in a number of ways and the LDO is not prescriptive in this regard. For example, some mitigation measures could be delivered by a “master-developer”, with others being delivered by individual “plot-developers”. Some measures may also be delivered through the Local Authority or via the East Midlands Freeport or the East Midlands Development Company using public monies allocated to bring forward development or infrastructure (e.g. Freeport seed capital funding and/or retained rates). It is anticipated that the mitigation will be delivered over time, potentially linked to the development of individual plots or parts of the Site. The Transport and Biodiversity Mitigation Strategy should set out proposals for how and when the mitigation measures will be delivered.

Mitigation which is to be delivered on-site must be detailed in drawings, design information and other documents submitted with Applications for Compliance Certificates. These measures may be approved through issuing of a Certificate of Compliance by the Council, which may include further conditions to ensure the mitigation is delivered at the appropriate time.

Some mitigation measures, for example highway improvements and some biodiversity mitigation, may need to be provided off-site, or a financial contribution may be made in lieu of such mitigation. If such measures are to be provided off-site or funded by a developer, the Council will require certainty from the developer that these can and will be delivered. If such off-site measures or financial contributions cannot be delivered, then the Council will not issue a Certificate of Compliance under this LDO. In those circumstances the developer may choose to submit a planning application for the development instead.

Whilst a Section 106 Agreement or Unilateral Undertaking (“S106”) planning obligation cannot be required under an LDO, a developer may offer a S106 planning obligation or undertaking with an Application for a Compliance Certificate as a mechanism to secure the delivery of off-site mitigation that the developer proposes to provide. Potential items covered by a S106 include the following:

- Transport infrastructure (including footpaths, bridleways, cycleways and roads);
- Public transport (including services and facilities);
- Travel behavioural change measures (including travel plans, marketing and promotion); and
- Green infrastructure and other off-site biodiversity improvements to achieve a net gain in biodiversity from the Proposed Development.

This is not an exhaustive list and other S106 obligations may be appropriate to meet the mitigation requirements arising from the Environmental Impact Assessment and Transport Assessment.

Developers may also submit alternative proposals to provide certainty to the Council that the mitigation measures identified will be delivered in accordance with the latest version of the Transport and Biodiversity Mitigation Strategy.

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<sup>9</sup> 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 as is encouraged by the Council. Whilst such interventions are not captured in DEFRA’s Biodiversity Metric tool, they may be equated to BNG units based on project value.

<sup>10</sup> Value to be reviewed by the Local Planning Authority at each review in accordance with LDO condition 1.

<sup>11</sup> Value to be reviewed by the Local Planning Authority at each review in accordance with LDO condition 1.



Developers should discuss the mitigation they propose to deliver and how it will be delivered as part of their pre-application discussions with the Council. If appropriate, developers should provide a signed S106 or Unilateral Undertaking under S106 as part of an Application for a Certificate of Compliance.

## 4. Procedure

### 4.1 Introduction

This chapter outlines the process which occupiers wishing to undertake LDO permitted development will have to follow. It outlines the steps required by occupiers to ensure that their proposed development meets the requirements of the LDO.

Any planning permissions that have been secured prior to the implementation of this LDO, such as the EMERGE Centre, can continue to be implemented under their respective consenting regime. Similarly, the LDO does not prevent a potential developer from submitting a planning application within the Site and this would be determined in the usual way, with the LDO forming a material consideration.

All development on the Site, seeking approval under the terms of the LDO, must follow the process described in the following paragraphs.

### 4.2 Pre-application Engagement with LPA

Prior to submitting an Application for a Certificate of Compliance, pre-application engagement by applicants offers significant potential to improve both the efficiency and effectiveness of the development proposal and improve the quality of applications. It is strongly recommended that all applicants enter into a meaningful pre-application dialogue with the Council and allow sufficient time to prepare a robust submission. Failure to do so could mean the issuing of a Certificate is delayed or even refused.

Depending on the scale and complexity of the proposal, Officers will consult with Members and relevant statutory authorities to collate comments and obtain advice before responding.

The Council will aim to respond to pre-application enquiries within 21 days. However, more complex proposals, or those requiring consultations or a site visit, may take longer to assess. If the Council requires further information to make an assessment, it will seek to agree a reasonable additional timescale with the applicant.

The applicant can submit an email with any plans and details as an attachment to [planningandgrowth@rushcliffe.gov.uk](mailto:planningandgrowth@rushcliffe.gov.uk) or post to Planning & Growth, Rushcliffe Borough Council, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG.

Alongside this, a fee for pre-application advice payment will be required, which is calculated according to the overall quantum of permitted development that is being sought under the Ratcliffe-on-Soar LDO, in accordance with the equivalent fees set out in the Council's 'Schedule of fees for pre-application advice'<sup>12</sup> applicable at the time of the request being made.

### 4.3 Process of Conformity with the Ratcliffe-on-Soar LDO

It is a requirement that potential developers and occupiers complete an Application Form for a Certificate of Compliance and obtain a Certificate from the Council prior to commencement of development. This is to ensure high-quality, sustainable development, in line with the aspirations and objectives of the LDO. The Certificate of Compliance Application Form will also enable the Council to assess the proposals in line with the LDO Parameter Plans and Design Guide.

A completed Certificate of Compliance Application Form (see Appendix B) shall be submitted to the Council, along with the necessary accompanying documents (as set out in the Certificate of Compliance Application Form) and payment of the application fee, which will be as published by the Council.

The determination and delegation procedure will follow the process as set out in the Council's constitution. A determination period of up to 8 weeks will apply to any applications under the LDO, following which the

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<sup>12</sup> <https://www.rushcliffe.gov.uk/planningandgrowth/applyingforplanningpermission/pre-applicationadvice/>

Council shall issue a Certificate of Compliance, provided the proposed development is acceptable and therefore permitted under the LDO.

If the Council requires further information to make an assessment as to compliance, it will seek to agree a reasonable additional timescale with the applicant, setting out clearly the need for additional information.

It is acknowledged that, as with any planning process, there are matters that are clear and factual, for example whether a use fits into the description of development permitted by the LDO. In other cases, an element of judgement or interpretation may need to be applied by Council officers in determining compliance, for example in the case of design principles set out in the Design Guide. The exercise of judgement will include cases where a development might not strictly meet one or more criteria but where, overall, the development is deemed to be acceptable and broadly in compliance with the LDO.

If the application is not considered to be in accordance with the requirements of the LDO, a Certificate of Compliance will not be issued, and the development will not be permitted. This does not prejudice the ability of the applicant to submit a planning application pursuant to S57 of the Town and Country Planning Act (1990), which would be scrutinised and assessed separately by the Council. However, the Ratcliffe-on-Soar LDO would be a material consideration in the determination of such an application.

If development purportedly permitted under the LDO takes place and is subsequently found to not accord with the requirements of the LDO, this could be subject to planning enforcement action by the Council.

#### 4.4 Process for Confirming Permitted Development

A simple flow chart setting out an indicative process for the preparation and submission of Certificate of Compliance Application is set out in Figure 2 to support applicants in the preparation of compliance applications.

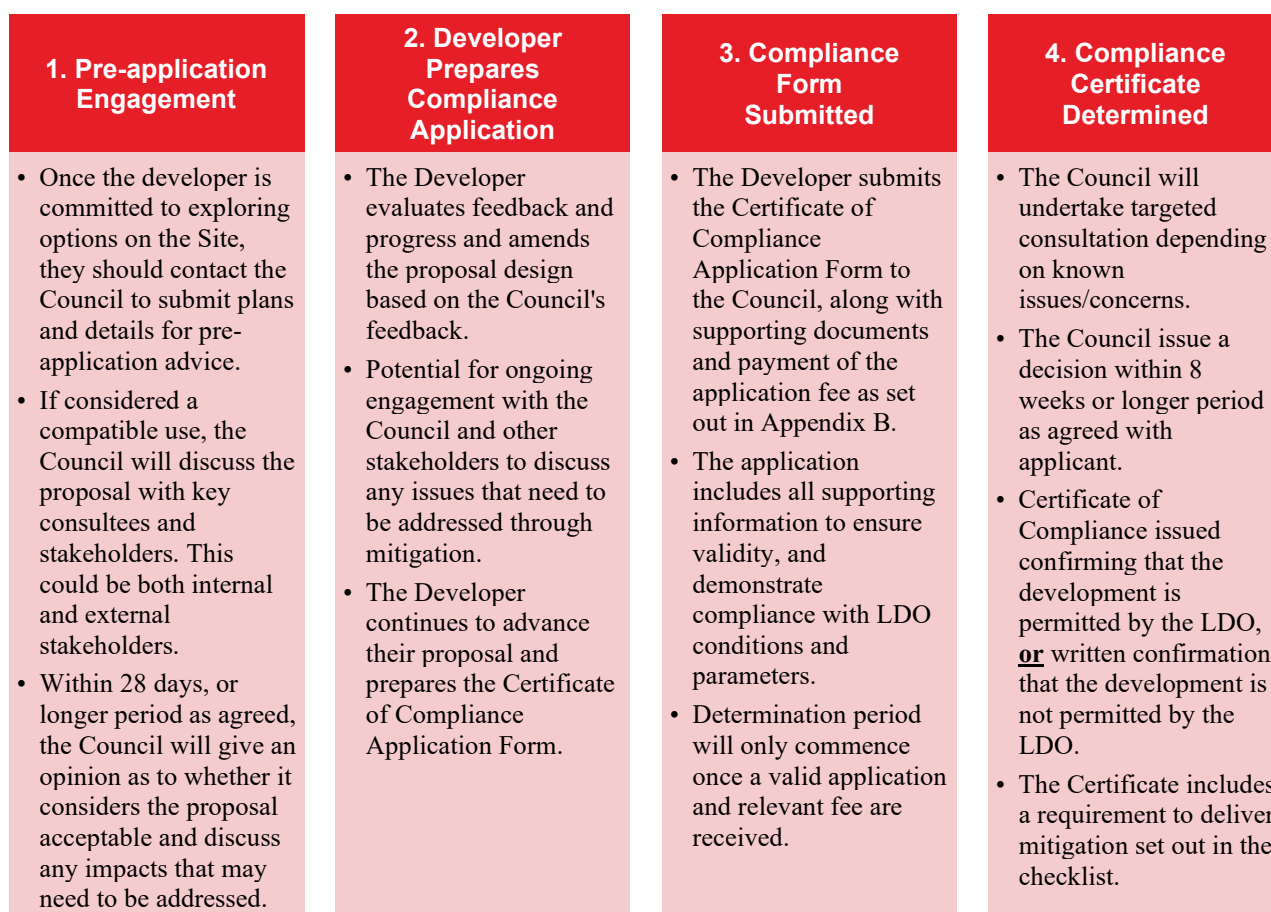


Figure 2 – Ratcliffe-on-Soar LDO Compliance Process Flow Diagram

# LDO PART 2

## Planning Considerations

## 5. LDO Context

### 5.1 LDO Background

The Ratcliffe-on-Soar Local Development Order (“the Ratcliffe-on-Soar LDO”) grants planning permission for the Redevelopment of the Ratcliffe-on-Soar Power Station Site (“the Proposed Development”).

The use of LDOs is recommended in national planning policy as an effective means of simplifying and streamlining the planning process for certain sites and types of development which are specified by the Local Planning Authority (LPA). LDOs can create certainty for investors, speed up the planning process and accelerate delivery of development, whilst enabling the LPA to retain control over the future use and development. Government guidance encourages LPAs and landowners to work together when preparing LDOs and encourages the use of LDOs to achieve planning permission on Freepoint sites.

### 5.2 Legislative Context and Requirements

The legislative procedures that must be followed in order to bring forward and adopt an LDO are set out in:

- Sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990,<sup>13</sup> as amended, and;
- Articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.<sup>14</sup>

LDOs cannot grant planning permission for development:

- That affects a listed building;
- That is within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations, 2017;<sup>15</sup> and
- Where following an appropriate assessment it is determined that it would have adverse effects on the integrity of a protected European Site or European Offshore Marine Site (as the case may be) (see the Conservation of Habitats and Species Regulations 2017,<sup>16</sup> amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018).<sup>17</sup>

LDOs do not remove the need to comply with other legislation, such as the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As the development proposed to be brought forward under an LDO falls under Schedule 2 of those regulations, an Environmental Impact Assessment (“EIA”) has been prepared and mitigation required under the provisions of this LDO has been informed by the Environmental Statement. Similarly, if other consents are required such as to divert a Public Right of Way, these must be secured in addition to the LDO compliance process and prior to development taking place.

The legal procedures for making an LDO are set out in Appendix 1 of the Planning Advisory Service (PAS) guidance.<sup>18</sup> It details the legal responsibilities and timeframes for bringing forward an LDO for adoption. PAS guidance incorporates the relevant legislative and legal obligations into one place to assist LPAs in producing compliant LDOs.

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<sup>13</sup> <https://www.legislation.gov.uk/ukpga/1990/8/contents>

<sup>14</sup> <https://www.legislation.gov.uk/uksi/2015/595/contents/made>

<sup>15</sup> [https://www.legislation.gov.uk/uksi/2017/571/pdfs/uksi\\_20170571\\_en.pdf](https://www.legislation.gov.uk/uksi/2017/571/pdfs/uksi_20170571_en.pdf)

<sup>16</sup> [https://www.legislation.gov.uk/uksi/2017/1012/pdfs/uksi\\_20171012\\_en.pdf](https://www.legislation.gov.uk/uksi/2017/1012/pdfs/uksi_20171012_en.pdf)

<sup>17</sup> <https://www.legislation.gov.uk/uksi/2018/1307/contents/made>

<sup>18</sup> <https://www.local.gov.uk/pas/delivery/local-development-orders/local-development-orders>

### 5.3 Statutory Consultation

It is a statutory requirement that LDOs are the subject of local consultation. The LDO consultation procedures are set out in Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order (2015), with key requirements detailed as follows.

#### LDO preparation

Articles 38 (1) states:

*“Where a local planning authority propose to make a local development order they must first prepare:*

- (a) a draft of the order; and*
- (b) a statement of their reasons for making the order.”*

Article 38 (2) states:

*“The statement of reasons must contain—*

- (a) description of the development which the order would permit; and*
- (b) a plan or statement identifying the land to which the order would relate”*

#### Consultees

Article 38 (3) states:

*“Where a local planning authority have prepared a draft local development order, they must consult, in accordance with paragraph (5), such of the following persons whose interests the authority consider would be affected by the order if made”*

Article 38 (4) states:

*“The local planning authority must also consult any person with whom they would have been required to consult on an application for planning permission for the development proposed to be permitted by the order.”*

#### Consultation methods

Articles 38 (5) states:

*“In consulting in accordance with paragraphs (3) and (4) the local planning authority must—*

- (a) send a copy of the draft order and the statement of reasons to the consultees;*
- (b) specify a consultation period of not less than 28 days; and*
- (c) take account of all representations received by them during the period specified.”*

Article 38 (6) states:

*“A local planning authority must, during any consultation under paragraphs (3) and (4) —*

- (a) make a copy of the draft local development order, the environmental statement and statement of reasons available for inspection—*
  - (i) at their principal office during normal working hours; and*
  - (ii) at such other places within their area as they consider appropriate;*
- (b) publish on their website—*
  - (i) the draft local development order, the environmental statement and the statement of reasons;*
  - (ii) a statement that those documents are available for inspection and the places where and times when they can be inspected; and*



*(iii) the date by which representations on the draft local development order must be received, which must be not less than 28 days after the date of first publication on the website; and*

*(c) give notice by local advertisement of—*

*(i) the draft local development order, the environmental statement and the statement of reasons;*

*(ii) the availability of those documents for inspection, and the places where and times when they can be inspected; and*

*(iii) the date by which representations on the draft local development order must be received, which must be not less than 28 days from the date on which the notice was first published.”*

## **Other**

Article 38 (7) states:

*“Where the draft local development order would grant planning permission for development specified in the order, the local planning authority must also give notice of their proposal to make the order—*

*(a) by site display in at least one place on or near to the site to which the order relates a notice in the appropriate form set out in Schedule 7 or in a form substantially to the same effect, and, subject to paragraph (8), leaving the notice in position for a period of not less than 28 days beginning with the date on which it is first displayed by site display; and*

*(b) by serving a copy of that notice on every person whom the authority knows to be the owner or tenant of any part of the site whose name and address is known to the authority,*

*and specifying in the notice a date by which representations on the draft local development order must be received, which must be not less than 28 days from the date on which the notice was displayed by site display or served, as the case may be.”*

Article 38 (14) states:

*“In this article, a requirement to give notice by local advertisement is a requirement to publish the notice in as many newspapers as will secure that the press coverage (taken as a whole) extends to the whole of the area to which the local development order relates.”*

## **After the consultation**

Article 38 (10) states:

*“A local planning authority must, in considering what modifications should be made to the draft local development order or whether such an order should be adopted, take into account any representations made in relation to that order and received by the authority by the date specified on the website or in the notices, in accordance with paragraph (6) or (7) as the case may be, as the date by which representations should be made (or, if the dates on the website or in the notices differ from each other, the latest of such dates).”*

This Section to be added following completion of Statutory Consultation.

The consultation included statutory consultees whose interests would be affected by the LDO, including the prescribed bodies and any person who would have been consulted on an application for planning permission.

Statutory consultation took place from XXXX to XXXX 2022. The LDO and accompanying supporting documents (e.g. Design Guide, Transport Assessment and Environmental Statement) were available for inspection at the Council’s Offices. The documents were also available on the Council’s Planning website.

Officers undertook consultation events on the draft LDO. This included:

Section XX has been prepared setting out the statutory consultation, the main issues raised, the Council’s response and identification of any changes required to the consultation.

## 5.4 Non-statutory Consultation

There are no requirements for non-statutory consultation when preparing and drafting an LDO. However, it is good practice to inform and engage with communities and stakeholders at an early stage in major redevelopment proposals. This is supported by the Planning Advisory Service Guidance on Local Development Orders, which states:

*“Experience from the making of LDOs to date has demonstrated the benefits of early engagement with key stakeholders, including the community, on helping to inform the development of the LDO. This should also ensure that no unexpected issues arise at the formal consultation stage that could prejudice the delivery of the LDO.”*

In addition, the Council’s Statement of Community Involvement<sup>19</sup> (“SCI”) advocates consultation for certain types of development. It advises that during consultation, applicants are encouraged to involve the local community and stakeholders when preparing a proposal even if there is no statutory obligation to do so. Such engagement can be beneficial to both the promoter / applicant and the community, as it can foster transparency and enable proposals to respond to local needs and expectations.

While an LDO is not a planning application, the principles within the Council’s SCI set out are considered relevant to an LDO’s preparation.

The document also contains guidelines for developers to follow when consulting on planning applications within the administrative boundaries of the Council.

The Statement of Community Involvement identifies the principal aims of consultation relating to planning applications as the following:

*“Actively encourage and hold pre-application discussions with prospective applicants whatever the scale of development proposed. For the larger proposals or those which may give rise to local controversy, on sensitive sites or of a significant scale, consultation may be carried out with technical consultees such as Nottinghamshire County Council as Highways Authority and the Environment Agency;*

*Encourage the applicants of more significant applications to engage with the community including holding exhibitions and other events to publicise their proposals; and*

*Encourage all landowners/property owners to discuss their proposals with their neighbours and where appropriate the wider community before submitting an application.”* [in this case the Council is the promoter of the LDO]

As part of the early stages of preparing the draft LDO, a round of non-statutory consultation was undertaken to engage with communities and stakeholders, between Monday, 29 November 2021 and Monday, 10 January 2022. A summary of this consultation and the feedback received can be viewed below. Further details on this consultation can be viewed in the LDO supporting document: Statement of Community Involvement (document reference: RBCLDO-ARUP-ZZ-XX-RP-YP-0001).

## 5.5 Summary of Non-statutory Consultation

Although not a statutory requirement of the LDO consultation procedure, it was decided to engage with communities and stakeholders at an early stage in the preparation of the draft LDO. A round of non-statutory consultation was undertaken between Monday, 29 November 2021 and Monday, 10 January 2022.

### Aims and objectives

The aims and objectives of the non-statutory consultation were to:

- Introduce the Proposed Development;
- Promote the key benefits;

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<sup>19</sup> <https://www.rushcliffe.gov.uk/planningpolicy/localplan/communityinvolvement/>

- Explain the planning process (LDO) and reasons / rationale for this approach;
- Share the initial vision and objectives;
- Provide an indication of potential future uses to be consented by the LDO;
- Present the initial design and landscaping principles;
- Explain the detailed work that will be undertaken following the non-statutory consultation (e.g. Transport Assessment, Environmental Impact Assessment);
- Set out the proposed timescales for the Proposed Development;
- Provide an opportunity for stakeholders and the local community to feedback on the vision for the Site, and to allow public aspirations to be put forward; and
- Explain the next steps including when there will be further opportunities for people to share their views.

### **Summary of consultation**

The following activities were undertaken during the main consultation period:

- A pre-consultation stakeholder workshop was held in November 2021, with technical stakeholders, local authorities, and statutory consultees;
- A dedicated consultation website was established, which included a virtual exhibition, a frequently asked questions (FAQs) page, and an online consultation questionnaire, A total of 3,980 visits to the consultation website were recorded one week after the consultation period had closed;
- Two public exhibitions were held at Thrumpton Village Hall (30 November 2021) and Gotham Memorial Hall (7 December 2021), including a stakeholder preview event at Thrumpton Village Hall. There were 86 attendees in total to the public exhibitions; and
- A meeting was held with Ruth Edwards, MP for Rushcliffe.

### **Summary of feedback**

A total of 71 consultation questionnaires were received. A total of 32 emails were received to a dedicated email address, which comprised 18 stakeholder responses and 14 responses from members of the public.

Through the consultation, feedback was sought on the vision for the Site, the proposed masterplan objectives and landscaping principles, and sustainable transport proposals for the Site. In addition, respondents were invited to provide feedback through additional comments. The majority of responses provided positive feedback on the overall vision and masterplan objectives, in particular the proposed inclusion of sustainable and low-carbon technologies on the Site.

Consultation feedback was grouped into the following themes:

- Support and Oppose;
- Land Use, Design and Capacity;
- Environment and Biodiversity;
- Green Belt;
- Traffic and Transport;
- LDO, Freeport and Redevelopment Phasing;
- Consultation Approach; and
- Other.

Through the consultation process, some stakeholders and members of the local community raised concerns regarding the impact on traffic levels, public transport provision, the current provision of cycling routes, potential loss of Green Belt, and potential impacts the natural environment, including adverse effects on biodiversity and ecology within the Southern Area.

Where concerns have been raised, work has been undertaken either to amend the LDO proposals or ensure appropriate mitigation. Where this has not been possible, or where the concerns are outside of the scope of this draft LDO, this has been explained in the form of a detailed project response.

A full account of the non-statutory consultation and responses to feedback can be found in the Statement of Community Involvement, which is included as a supporting document to the draft LDO. The document reference for all the supporting documents can be found in Appendix B.

## 6. The Ratcliffe-on-Soar Power Station Site

### 6.1 The Site

The Site boundary for the Ratcliffe-on-Soar LDO comprises approximately 265 hectares of land and is bisected into two areas by Remembrance Way (A453); the Northern Area covers 155 ha and the Southern Area covers 110 ha. The Site includes a private link road which passes beneath the A453 at its western end connecting the two areas.

200 ha of the Site (excluding the power station buildings) is formally designated by the Government as part of the East Midlands Freeport,<sup>20</sup> which was announced as a successful freeport bid in March 2021 and received formal Freeport tax site designation in March 2022.

A proposal for the ‘East Midlands Energy Re-Generation Centre’ (EMERGE Centre),<sup>21</sup> which comprises a multifuel energy recovery facility and associated infrastructure, was granted planning permission on 24 March 2022. The application was determined by Nottinghamshire County Council, who is the planning authority for waste management related development. Details of the EMERGE Centre planning application can be found on the Nottinghamshire County Council planning portal,<sup>22</sup> using the reference number ES/4154. This is a new energy-from-waste facility which will generate electrical and heat energy which will be fed into the grid and used to supply other developments which are built on the Site over time.

### 6.2 Surrounding Context

The Site is located in Nottinghamshire, approximately 11 km south-west of Nottingham City Centre. It is accessed immediately off the A453 (a main route into Nottingham) and close to junction 24 of the M1 motorway. The Site also has close proximity to Derby (approximately 16 km west), Loughborough (approximately 10 km south) and Leicester (approximately 26 km south). More locally are the villages of Ratcliffe-on-Soar (directly adjacent to the west, separated from the Site by the Midland Main Line railway), Thrumpton (0.5 km north-east), Kingston-on-Soar (0.8 km south) and Gotham (2.4 km south-east).

The Site benefits from good accessibility. East Midlands Parkway railway station is located directly west of the Northern Area of the Site, and a private railway siding extends into the Site. East Midlands Airport is a 10-minute drive, approximately 5 km south-west and the Nottingham Express Transit (NET) Tram Park and Ride site is approximately 5 km to the north-east.

### 6.3 Site Description

The majority of the Site is brownfield land, with buildings, plant and hardstandings comprising the Power Station infrastructure facilitating the generation of electrical power from coal since its first operation in 1967. There are localised areas of land across the north and south of the Site that are used for agricultural purposes. The Site is wholly owned by Uniper.

The majority of the Northern Area comprises the Power Station, including coal stockpiles, the operational power plant, eight cooling towers, supporting buildings and facilities. This part of the Site is accessed by an unnamed road off the A453 at the south-western corner. In addition, a second access is located off the A453 at the south-eastern corner of the Northern Area. A 400 kV and a 132 kV National Grid substations are located in this area and will remain in situ.

In the Southern Area, the Winking Hill Ash Disposal Site has been used for the disposal of ash which is a by-product from the power generation process. Parts of this disposal site have been capped, but other parts remain open and in use. Some areas of ash are currently being extracted for use within the manufacturing of building materials. Agricultural uses, parcels of woodland, two settlement ponds, and an area formerly reserved for temporary gypsum disposal, occupy the remaining parts of this area. Note that whilst permitted,

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<sup>20</sup> <https://www.emfreeport.com/>

<sup>21</sup> <https://www.uniper.energy/united-kingdom/projects-united-kingdom/emerge>

<sup>22</sup> <https://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=ES/4154>

the gypsum disposal site has never been used. Access to this Southern Area is via West Leake Lane to the east, and off Kegworth road to the west. Winking Hill Farm is adjacent to the Southern Area but falls outside the LDO boundary.

The Northern and Southern Areas are connected by two underpasses under the A453. The underpasses provide access to the A453 and are part of the public highway network. The underpass located to the west of the Site also includes a private road which provides further connectivity between the two areas of the Site.

Public footpaths cross the Southern Area, from West Leake Lane, connecting with the village of Ratcliffe-on-Soar and branching south towards Kingston-on-Soar. There is also a shared cycle route and footpath that extends along the north side of the A453, and public footpaths heading north-east through the Northern Area from Barton Lane to Thrumpton.

## **6.4 Environmental Context**

The surrounding area comprises extensive areas of farmland, woodland and open fields. The River Trent and River Soar run to the north and west of the Site respectively, the closest point being around 150 m where the River Soar passes beneath the A453 to the west of the Site.

Within 5 km of the Site there are a number of internationally and nationally designated nature conservation sites. These are:

- Lockington Marshes Site of Special Scientific Interest (SSSI), located 530 m west of the Site;
- Forbes Hole Local Nature Reserve (LNR), located 1.6 km north of the Site;
- Gotham Hill Pasture SSSI, located 1.7 km east of the Site;
- Trent Meadows LNR, located 1.8 km north of the Site;
- Attenborough Gravel Pits SSSI, located 2.4 km north-east of the Site;
- Rushcliffe Golf Course SSSI, located 2.5 km south-east of the Site; and
- Holme Pit SSSI, located 4.6 km north-east of the Site.

The Environment Agency (EA) flood maps indicates that the majority of the Site sits within fluvial Flood Zone 1 and a very small area within Zone 2 and, therefore, there is considered to be a low risk of flooding. The EA maps identify that there are localised areas of high and medium surface water flood risk in the Southern Area. The Flood Risk Assessment supporting this LDO demonstrates that the Site is safe to develop in terms of flood risk and does not increase flood risk elsewhere, in accordance with the National Planning Policy Framework (NPPF).



## 7. Statement of Reasons

### 7.1 Purpose of the LDO

The National Planning Policy Framework July 2021<sup>23</sup> (NPPF) encourages LPAs to tailor planning controls to local circumstances. Paragraph 51 states:

*“local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.”*

Furthermore, government guidance on Freeports encourages LPAs to consider the use of LDOs to support development in Freeport areas as a means of accelerating growth and providing greater planning certainty. PAS Guidance<sup>24</sup> encourages LPAs to engage with landowners. The Council therefore has agreed to work collaboratively with Uniper to prepare an LDO for the Site.

LDOs can enable growth by positively and proactively shaping sustainable development in their area. They can incentivise development by simplifying the planning process, providing greater certainty to investors and developers, and making investment more attractive.

This is of particular importance for the Ratcliffe-on-Soar Power Station Site, which is due to close at the end of September 2024 in line with UK government policy. The adoption of an LDO provides planning certainty and secures the potential to redevelop the Site in a way that benefits the wider region. In addition, in order to qualify for full Freeport benefits, businesses must be operational by the end of September 2026. The LDO is therefore considered the best route to secure the reuse of those parts of the Site that will be redundant after decommissioning of the Power Station and, concurrently, to provide planning certainty in time to enable new businesses to be operational by the end of September 2026.

### 7.2 Objectives of the LDO

The objectives for the Ratcliffe-on-Soar LDO are:

1. To support efforts by the Council, the East Midlands Development Company, East Midlands Freeport Partners, and Uniper (the landowner), to promote the sustainable economic redevelopment of the Site as existing coal-fired power generation activities cease, ensuring it continues to support the future prosperity and growth of the Borough and beyond;
2. To set out a spatial framework, confirm appropriate land uses and establish the conditions which will control how detailed development proposals will come forward on the Site;
3. To support transition of employment and generate an estimated 7,000–8,000 highly skilled and high value jobs based around advanced manufacturing and energy uses;
4. To provide planning certainty for the Site which will support the regional and national transition to a low-carbon future; and
5. Following the government’s policy to close the Power Station, to maximise the assets of the Site and secure a positive future for it at this important gateway into the Rushcliffe Borough.

### 7.3 Strategic Context

This section sets out the strategic context for the Ratcliffe-on-Soar LDO.

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<sup>23</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

<sup>24</sup> <https://www.local.gov.uk/pas/delivery/local-development-orders/local-development-orders>

## East Midlands Freeport

Freeports in the UK are a series of government-assigned special economic zones where customs rules such as taxes do not apply until goods leave the specified zone. Other tax incentives are also being offered to stimulate development and job creation within Freeports. Government is looking to deliver a significant quantum of new development within Freeports by the end of September 2026.

A bid to identify an East Midlands Freeport<sup>25</sup> was submitted in February 2021 by a consortium led by the Derby, Derbyshire, Nottingham and Nottinghamshire Local Enterprise Partnership (D2N2 LEP) and the Leicester and Leicestershire Enterprise Partnership (LLEP). The consortium included private sector businesses and local authorities, with support from universities, business groups, local MPs and the proposed East Midlands Development Company. The Ratcliffe-on-Soar Power Station Site forms a key part of the East Midlands Freeport proposals, alongside the East Midlands Airport and Gateway Industrial Cluster (EMAGIC) and the East Midlands Intermodal Park (EMIP).

In the 2021 budget announcement, the Chancellor of the Exchequer announced that eight new Freeports would be created. The East Midlands Freeport was confirmed as one of these eight and in March 2022 the East Midlands Freeport secured formal Freeport tax site designation from Government following review of the Outline Business Case. The Full Business Case was submitted on 14 April 2022 and the East Midlands Freeport is anticipated to be fully operational by Summer 2022.



**Figure 3 – Freeport boundary at the Ratcliffe Power Station site**

## East Midlands Development Company

The proposed East Midlands Development Company is intended to support future regional development with a particular focus on three major strategic sites centred on the East Midlands Airport area, Toton and Chetwynd Barracks and Ratcliffe-on-Soar Power Station.

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<sup>25</sup> <https://www.emfreeport.com/>

The five local authorities supporting the initiative have formally set up a body to begin its work, laying the foundations for a new kind of statutory development corporation identified as part of government plans to boost economic growth through planning reform.

The East Midlands Development Company was established following the submission of a detailed business case to government, which highlighted the potential of the three strategic sites identified to fuel a step change in regional economic performance.

The Development Company states that: *“The East Midlands has a once-in-a-generation opportunity to supercharge its economy and create tens of thousands of new jobs via three landmark developments of national significance.”*<sup>26</sup>

## **D2N2 Local Enterprise Partnership**

The D2N2 Local Enterprise Partnership (LEP) covers the Nottinghamshire and Derbyshire area, within which the Ratcliffe Power Station is located. The LEP works with 19 Local Authorities, playing a central role in deciding local economic priorities and undertaking activities to drive economic growth and create local jobs. The LEP has produced a Strategic Economic Plan which values innovation-led growth, especially in manufacturing, which aligns with the objectives of the Ratcliffe-on-Soar Power Station redevelopment.

## **High Speed Two (HS2)**

Adjacent to the Site lies the East Midlands Parkway station, which has been identified as the location for the HS2 East Midlands Hub station in the Integrated Rail Plan. The new high-speed line will link the East to the West Midlands, providing improved connectivity of the Site to Derby, Nottingham, Chesterfield and Sheffield, as well as between Birmingham and Nottingham, and free up capacity on the Midland Main Line railway. Trains will run from London to Nottingham in 57 minutes, which is significantly quicker than current service, supporting the growth of the region and its appeal as an advantageous business location. The HS2 East Midlands Hub Station represents a significant opportunity for the Ratcliffe-on-Soar redevelopment, boosting the connectivity of the Site and providing an attractive location for its future occupiers.

## **Clean Growth Strategy**

In October 2017 the UK government published the Clean Growth Strategy, which sets out proposals for decarbonising all sectors of the UK economy. Clean growth means growing the national economy while cutting greenhouse gas emissions. The goal of ensuring affordable energy supply alongside delivering clean growth for everyone in the UK is central to the Clean Growth Strategy.

The vision and objectives for the Ratcliffe-on-Soar LDO are centred on addressing this Clean Growth agenda. Focusing on the transition to low-carbon energy solutions, the redevelopment of the Ratcliffe-on-Soar Power Station Site would deliver employment opportunities, high-quality infrastructure and is a significant opportunity to help level up the East Midlands region.

## **Levelling Up White Paper**

In March 2022 the UK government published the Levelling Up White Paper, outlining a ‘system change’ of regional and local government and associated funding arrangements, that will be implemented to ‘level up’ the UK. It introduces 12 national missions to be achieved by 2030 and details a framework of devolution to Local Authorities. These missions align with the proposed redevelopment of the Ratcliffe-on-Soar Power Station Site, and identify the need to increase productivity, further employment opportunities, investment into research and development and delivering the upskilling of local communities.

In May 2022, government introduced the Levelling Up and Regeneration Bill into parliament, following the publication of the Levelling Up White Paper. The Bill is centred around reforms to the planning system to

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<sup>26</sup> <https://www.emfreeport.com/>

give communities a louder voice, making sure developments are beautiful, green and accompanied by new infrastructure and affordable housing.

### **Building Back Better: A Plan for Growth**

The plan was established in March 2021 and brought together government and business leaders to drive economic recovery and growth across the UK, enable the transition to a Net Zero economy by 2050 and promote Global Britain as set out in the Plan for Growth. The Building Back Better: A Plan for Growth strategy takes a transformational approach, tackling long-term problems to deliver growth that creates high-quality jobs across the UK. The plan states that we must retain our guiding focus on achieving the people's priorities:

- levelling up the whole of the UK;
- supporting our transition to net zero; and,
- keeping our vision for Global Britain.

## **7.4 Planning Policy Context**

This section sets out the national, regional and local planning policy context for the Ratcliffe-on-Soar LDO.

### **National Planning Policy Framework**

A core principle of the NPPF is that the planning system should proactively drive and support sustainable economic development.

The NPPF states, in paragraph 81, that significant weight should be placed on supporting economic growth and productivity, considering both local business needs and wider development opportunities.

As outlined in paragraph 82, Local Planning Authorities should positively and proactively encourage sustainable economic growth and identify strategic sites for investment. In paragraph 83, the NPPF also states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge-driven, high-technology industries and for storage and distribution operations at a variety of scales and in suitably accessible locations.

Paragraph 51 encourages LDOs to be prepared for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.

The NPPF also supports the delivery of plans to increase the use and supply of renewable and low-carbon energy and heat. In particular, paragraph 155 states that plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);*
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and*
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*

### **Regional Planning Policy**

At the time of drafting this document, Broxtowe Borough, Gedling Borough, Nottingham City and Rushcliffe Borough Councils are developing the Greater Nottingham Strategic Plan (GNSP) which will set out the policies to help guide future development up to 2038. The GNSP will contain strategies and strategic policies for the use and development of land based on a thorough assessment of the needs of the wider area. The GNSP is to be produced in cooperation with the other local planning authorities of the Greater Nottingham Housing Market Area (HMA).

The Site has been identified for having potential for redevelopment within the ‘Nottingham Core HMA and Nottingham Outer HMA Employment Land Needs Study’ (2021),<sup>27</sup> and recommends allocating the land for employment uses (p126):

*“The site is suitable for research & development uses located adjacent to the East Midlands Parkway Railway Station, science park and advanced manufacturing uses on the site south of the A453 and more energy-intensive low-carbon technology industries on the site north of the A453. It is part of the East Midlands Airport Freeport, one of 8 designated by the Government in its March 2021 Budget with the aim of reducing administrative burdens and tariff controls, provide relief from duties and import taxes, and ease tax and planning regulations.”*

In July 2020, Broxtowe Borough, Gedling Borough, Nottingham City and Rushcliffe Borough Councils carried out a public consultation on the Greater Nottingham Strategic Plan Growth Options document.<sup>28</sup> The consultation document (section 5.11, page 51) recognises the potential for significant growth at Toton, Ratcliffe-on-Soar Power Station and East Midlands Airport:

*“The proposals to establish a Development Corporation, centred on delivering significant growth at Toton, Ratcliffe-on-Soar Power Station and East Midlands Airport, could play a key role in diversifying the economy, and assisting recovery from the economic impacts of the Coronavirus crisis. Building on each location’s unique strengths, in terms of connectivity, economic potential and existing growth plans, the proposal aims for economic additionality, over and above the area’s current economic offer.”*

As part of consultation, Uniper (as landowner) submitted representations which set out the case for directing development towards the Site and its release from Green Belt. The councils are now considering the responses received to the consultation.

## Local Planning Policy

The LDO seeks to support the Council’s overall vision to positively and proactively encourage sustainable economic growth, supporting the ambition for the Site, ensuring that there is sufficient land and infrastructure in the right places in order to allow new businesses to come to provide necessary jobs and services. An LDO does not have to be supported by a specific development plan policy but it is given more strength if the policy intent is set out and supported by evidence.

The development plan for the Rushcliffe Borough consists of the Local Plan Part 1: Core Strategy (adopted December 2014), setting out the overarching spatial vision for development in the borough to 2028 and providing the planning framework for other relevant planning documents. The Local Plan Part 2: Land and Planning Policies<sup>29</sup> was adopted in October 2019 and sets out the non-strategic development allocations and a number of detailed policies for managing new development, following on from the strategic framework set out in Part 1.

Together, the Local Plan Part 1 and Part 2 comprise the statutory development plan for Rushcliffe Borough and replace all previous planning policy. No Neighbourhood Plans have been produced or adopted within the LDO Site.

The whole Site is located within the Nottingham–Derby Green Belt. However, in line with the NPPF, inappropriate development may be permitted within the Green Belt if the applicant can demonstrate very special circumstances. The Green Belt designation is a significant material consideration and considered in detail in Section 7.5.

In terms of other relevant policies, Policy 5 (Employment Provision and Economic Development) of the Core Strategy gives emphasis to future industrial uses, including renewable or low-carbon energy generation and other energy-related or complementary uses, including green technologies. The policy seeks to strengthen and diversify the economy, providing new floorspace across all employment sectors to meet

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<sup>27</sup> <https://www.gnplan.org.uk/media/3332934/employment-land-needs-study-may-21.pdf>

<sup>28</sup> <https://gnplan.inconsult.uk/gf2.ti/f/1146082/77448165.1/PDF/-/Strategic%20Plan%202020%20FINAL%20-%20web%20version%20revised.pdf>

<sup>29</sup> <https://www.rushcliffe.gov.uk/planningpolicy/localplan/localplanpart2landandplanningpolicies/>

restructuring, modernisation, and inward investment needs. Part 5 of the policy encourages economic development associated with a number of sites identified as ‘Centres of Excellence’, including Ratcliffe-on-Soar Power Station and promotes the allocation of land specifically to meet the needs of high technology industries:

*“Encouraging economic development associated with the University of Nottingham, Sutton Bonington campus, and with other Centres of Excellence in Rushcliffe such as Ratcliffe-on-Soar Power Station, British Geological Survey at Keyworth and British Gypsum at East Leake, including their expansion, and allocating land specifically to meet the needs of high technology industries.”*

The LDO seeks to ensure development will come forward in compliance with the key policies within the Local Plan Part 1 and Part 2, as considered through the Environment Statement, Transport Statement, Design Guide and Parameter Plans and set out in the required mitigation set out in Appendix C of this LDO. These relevant policies include the following:

#### Part 1: Core Strategy:

- Sustainable Development (1);
- Climate Change (2);
- Design and Enhancing Local Identity (10);
- Historic Environment (11);
- Local Services and Healthy Lifestyles (12);
- Managing Travel Demand (14);
- Transport Infrastructure Priorities (15);
- Green Infrastructure, Landscape, Parks and Open Space (16);
- Biodiversity (17);
- Infrastructure (18); and
- Developer Contributions (19).

and policies from Part 2: Land and Planning Policies, including:

- Development Requirements (1);
- Surface Water Management (18);
- Development Affecting Watercourse (19);
- Managing Water Quality (20);
- Historic Environment (28);
- Conserving and Enhancing Heritage Assets (28);
- Green Infrastructure and Open Space Assets (34);
- Green Infrastructure Network and Urban Fringe (35);
- Trees and Woodlands (37);
- Non-designated Biodiversity Assets and the Wider Ecological Network (38);
- Health Impacts of Development (39);
- Pollution and Land Contamination (40);
- Air Quality (41); and

- Safeguarding Minerals (43).

## 7.5 Green Belt Assessment

### Green Belt Policy Overview

Policy 21 (Green Belt) of the Rushcliffe Local Plan Part 2 states:

1. *The boundaries of the Green Belt in Rushcliffe are as defined on the Policies Map.*
2. *Applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework.*

The Policies Map indicates that the Site is located within and washed over by the Green Belt, which means there is a presumption against inappropriate development and that applications for development will be determined in accordance with the NPPF.

The NPPF states that, *“the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*.

Paragraph 138 sets out the 5 purposes served by Green Belts:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The Proposed Development would conflict with purpose c).

Paragraphs 147 to 151 of the NPPF relate to proposals affecting the Green Belt. The following paragraphs are highlighted:

- Paragraph 147 states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
- Paragraph 148 states that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- Paragraph 149 states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. There are limited exceptions to this, including... *“(g) limited infilling or the partial or complete redevelopment of previously redeveloped land, whether redundant or in continuing use (excluding temporary buildings), which would:*
  - *Not have a greater impact on the openness of the Green Belt than the existing development; or*
  - *Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority”*.
- Paragraph 151 states that *“when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”*.



Under Paragraph 149 of the NPPF, the definition of appropriate development includes the complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. This definition potentially encompasses the majority of the Northern Area of the Site, provided the Proposed Development would not have a greater impact on the openness of the Green Belt than the existing Power Station.

The Southern Area of the Site does not fall within the definition of previously developed land set out in the Glossary to the NPPF. As per Paragraphs 147 and 148 of the NPPF, any proposals for development in the Southern Area may only be permitted if there are “very special circumstances” which clearly outweighs any potential harm to the Green Belt.

In addition, some parts of the Northern Area, such as the agricultural land, may not be regarded as previously developed and, if the Proposed Development in the Northern Area is considered to have a greater impact on the openness of the Green Belt than the existing development, this may only be permitted if there are “very special circumstances” which clearly outweighs any potential harm to the Green Belt.

The LDO grants planning permission for new development in the Green Belt of the type and scale described in this LDO and its supporting documents. In considering the adoption of the LDO, it has therefore been considered necessary for the Council to consider whether very special circumstances apply to the whole Site and whether these clearly outweigh potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal.

### **Very Special Circumstances**

In making this LDO and weighing up the harm to the Green Belt, the following paragraphs set out the very special circumstances that have been taken into consideration.

#### **Economic and employment benefits**

In terms of the importance of the Site for economic development and advancement of high-technology uses, the potential for development at the Power Station has long been recognised by the Council, as evidenced in its identification in the adopted Local Plan Part 1 as a ‘Centre of Excellence’, where expansion and allocation of land for development is encouraged.

The Power Station will close at the end of September 2024 in line with government policy to end coal power generation. This would lead to the potential loss of existing employment and economic activity and the potential for long-term vacancy and dereliction of a major industrial site in the Green Belt. The potential for expansion or capitalisation of its value as a Centre of Excellence would therefore be lost, harming the economy and the environment within this important approach into Rushcliffe and Nottingham City.

The proposal represents a pro-active response to this prospect and would be a significant regeneration opportunity that would provide a transition of jobs and economic activity with a focus on low-carbon energy and advanced manufacturing. There is a potential for creating a high number of jobs for the region (potentially in the order of 7,000–8,000) and for many of these to be high value and highly skilled, given the vision and guiding principles set out in the Design Guide supporting the LDO.

The potential allocation of the Site for redevelopment for employment purposes and its removal from Green Belt is being actively considered through the preparation of the emerging Greater Nottingham Strategic Plan.

The Site is recommended for redevelopment within a key part of the evidence base for the emerging Strategy, the ‘Nottingham Core HMA and Nottingham Outer HMA Employment Land Needs Study’ (2021),<sup>30</sup> that recommends allocating the Site (both Northern and Southern Areas) for employment uses and makes specific reference to the designation as a Freeport:

*“The site is suitable for research & development uses located adjacent to the East Midlands Parkway Railway Station, science park and advanced manufacturing uses on the site south of the A453 and more energy-intensive low-carbon technology industries on the site north of the A453. It is part of the East Midlands Airport Freeport, one of 8 designated by the Government in its March 2021 Budget with the*

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<sup>30</sup> <https://www.gnplan.org.uk/media/3332934/employment-land-needs-study-may-21.pdf>

*aim of reducing administrative burdens and tariff controls, provide relief from duties and import taxes, and ease tax and planning regulations.”*

In July 2020, the public consultation on the Greater Nottingham Strategic Plan Growth Options document<sup>31</sup> highlighted the major role ‘significant growth’ at sites within the Development Corporation boundary, including Ratcliffe-on-Soar, could play in diversifying the economy and assisting with rebuilding the economy in a post-pandemic world:

*“The proposals to establish a Development Corporation, centred on delivering significant growth at Toton, Ratcliffe-on-Soar Power Station and East Midlands Airport, could play a key role in diversifying the economy, and assisting recovery from the economic impacts of the Coronavirus crisis. Building on each location’s unique strengths, in terms of connectivity, economic potential and existing growth plans, the proposal aims for economic additionality, over and above the area’s current economic offer.”*

Whilst the Site is not yet allocated and the GNSP carries limited weight as a material consideration, this Policy background is a clear indication of the direction of travel of local planning policy and of the important role that the Site plays in the economic future that policy makers envisage for the Greater Nottingham area.

Furthermore, the Site has been identified as an integral part of the regional economic policy for the East Midlands, forming one of the three sites earmarked by the East Midlands Development Company (EM DevCo) for major economic growth. The EM DevCo is made up of five East Midlands Local Authorities and is supported by the Midlands Engine, which works with partners and government to promote growth and investment across the region.

The unique potential for redevelopment of the Site for employment purposes also has national government support, through its approval as part of the East Midlands Freeport (the only inland Freeport selected). The Freeport boundary includes all of the land in the Southern Area and all of the land without existing buildings on the Northern Area (some 200 ha in total). Government wishes to see development in Freeports come forward quickly and has identified incentives and funding support to encourage new development to come forward by the end of September 2026. The Freeport initiative is a key aspect of central government policy and lends significant weight to the national and regional importance of the Site and its redevelopment for employment purposes.

In Section 3.6 of its Bidding Prospectus for Freeports<sup>32</sup> the government particularly advocates the use of LDOs as a vehicle to bring forward development within Freeports and this LDO is therefore aligned with government guidance.

This policy context demonstrates that the Site is acknowledged by national, regional and local policy makers as one that will play a significant role in the future economic prosperity of the region.

However, the Greater Nottingham Strategic Plan is unlikely to be adopted within the timescale required to ensure the Site realises full benefits from its Freeport status. For this reason, this LDO has been brought forward ahead of the Site’s anticipated allocation and removal from the Green Belt in the GNSP.

Furthermore, achieving Freeport timescales and energy policy requirements dictates the phasing of the Site. Land on the Northern and Southern Areas, which is not required for power generation, will be brought forward as a first phase prior to the closure of the power station at the end of September 2024. Following closure, the coal stock yard can be cleared and a second phase of development brought forward. Redevelopment of the remaining areas of the Site will occur as a later phase, following demolition of the existing power station buildings and structures. This phased approach allows for a “transition” of employment, with jobs migrated, where possible, over from the existing power station to new energy and advanced-manufacturing related businesses. This approach will be important to retain jobs and will also act as an important springboard to grow new employment.

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<sup>31</sup> <https://gnplan.inconsult.uk/gf2.ti/f/1146082/77448165.1/PDF/-/Strategic%20Plan%202020%20FINAL%20-%20web%20version%20revised.pdf>

<sup>32</sup> <https://www.gov.uk/government/publications/freeports-bidding-prospectus>

## Unique characteristics of the Site

The Site benefits from a number of unique characteristics that mean it is distinctively well placed to meet two key challenges and aspirations of national government: to progress the ‘Levelling-Up’ agenda of economic growth in the Midlands and north of the country, and to address climate change by helping reduce the UK’s net emissions of greenhouse gases to zero by 2050, in line with the Government’s Building Back Better: A Plan for Growth. These unique characteristics are all considered to significantly contribute to the very special circumstances, clearly weighing against the harm to the Green Belt by reason of inappropriateness.

### Ability to support growth in advanced manufacturing uses

- This is a very large site (265 ha) with substantial areas of levelled, well serviced, land capable of accommodating the needs of large-scale, energy-intensive, advanced manufacturing uses. This includes so called ‘gigafactories’<sup>33</sup> which typically require > 100 ha of land and are focussed on the production of electric vehicles, batteries and other technologies – technologies required to help transition the UK to its legally binding net-zero target by 2050. There are few sites within the region, of a similar size, and with the connectivity and power capacity, which could accommodate these types of development.
- The size of the Site also enables co-location of businesses and industries with similar and/or interlinking interests. This co-location of businesses – concentrated around an energy hub – will potentially bring additional benefit through agglomeration effects, including fostering opportunities for innovation, research and development, and creating shared opportunities for education and training.
- The Site is of a scale that could deliver in the order of 7,000 to 8,000 jobs, based on the maximum potential floorspace permitted. This will make a significant contribution to the prosperity of both Rushcliffe Borough and the wider region and will help deliver the aspirations of central and local government.

### Access to sustainable energy and resources

- The Site has unparalleled access to the National Grid, being able to import and export electricity via the existing 400 kV and 132 kV substations. The capacity of this connection means that the Site can generate energy (e.g. solar) and export it directly to the Grid. The Site also has the potential to import energy from the Grid during periods of low-demand (e.g. night-time) and/or when there is excess renewable energy (e.g. excess wind power), and store this energy in batteries and/or through the generation of hydrogen. In this way the Site has the potential to make a significant contribution to improving the use of green and low-carbon energy in the UK.
- The direct Grid Connection also enables the Site to support advanced manufacturing, industry, data centres and other uses with high-energy demands.
- The concentration of industrial uses on the Site also offers opportunities to use energy in a more sustainable way. Through the use of micro-grids and heat networks, waste energy (e.g. excess heat, power) produced by one facility could be used to supply an adjacent facility. With modern energy management technology, this could result in a significant reduction in energy use by the Site compared to traditional patterns of development.
- The Site benefits from an existing licence to abstract water from the River Trent. The potential to access this water source could support manufacturing processes and in the production of hydrogen via electrolysis.

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<sup>33</sup> UK Government Call for Evidence: Technological Innovations and Climate Change: Battery Electric Vehicles; <https://committees.parliament.uk/call-for-evidence/483/>

### Access to skilled labour and research centres

- The transition to a low-carbon future will demand a highly skilled workforce. By being located close to major population centres, including Nottingham, Derby and Leicester, and benefitting from good road and rail connectivity, business locating on the Site can draw on a large pool of highly skilled labour. This is an important factor in attracting international developers and investors to the Site who may otherwise locate abroad.
- The opportunity of the Site is further enhanced by the proximity of major Universities (e.g. Nottingham, Leicester, Derby, Loughborough) and research centres (e.g. Rolls Royce). Through creating partnerships with businesses located on the Site, opportunities for innovation, research and development will be generated.

### Access to sustainable transport

- The East Midlands Parkway station is located directly adjacent to the Site. Located in the main-line rail network, this provides a high-capacity, high-speed, sustainable transport connection to the Site for workers and visitors. This will encourage people to travel to the Site via non-car modes.
- The connectivity of the Site will be further enhanced by Government's proposals to connect HS2 services into East Midlands Parkway station.<sup>34</sup> HS2 will increase the number of services stopping at East Midlands Parkway and provide fast and reliable services which will allow the Site to be accessed by a much larger population.
- Furthermore, Government envisages that HS2 will generate economic growth in the areas around the station hubs.<sup>35</sup> As areas to the west of the East Midlands Parkway Station are at risk of flooding, the Site (located on higher ground to the east of the railway) is anticipated to be the area where most of the growth catalysed by HS2 will occur.
- The Site also benefits from an existing rail freight siding which allows large quantities of raw materials and finished products to be imported and exported to/from the site by rail. This is a more sustainable form of transport.

### Access to other transport modes

- The Site also benefits from excellent access to the national highway network through its direct connection to the A453 (dual carriageway) and close proximity to Junction 24 of the M1 Motorway.
- The Site is well placed for international passengers and air freight by virtue of its close proximity to the East Midlands Airport.

There are few sites in the UK where all these characteristics combine, making it a location that would be attractive for inward investment. This will allow the UK to compete for global businesses and develop expertise in advanced manufacturing and 'green' technology.

The unique opportunity presented by the Site for a jobs transition in sectors related to advanced manufacturing, renewable energy, and low-carbon energy technologies, supports regional objectives for higher-skill, higher-value jobs in the East Midlands and will make a significant contribution to the Government's target for achieving net-zero carbon by 2050.

### **Other harm to the Green Belt**

In assessing the harm to the Green Belt, the approach taken has been to view the Site as one development, i.e. both the Northern and Southern Areas. This is the approach taken in the Freeport designation, that encompasses all of the LDO site that is currently unoccupied by buildings, both north and south of the A453,

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<sup>34</sup> <https://www.gov.uk/government/publications/integrated-rail-plan-for-the-north-and-the-midlands>

<sup>35</sup> <https://www.hs2.org.uk/why/connectivity/> ; <https://assets.hs2.org.uk/wp-content/uploads/2019/08/14094020/HS2-Our-story-and-key-facts-version-2.pdf>

and as described within the ‘Nottingham Core HMA and Nottingham Outer HMA Employment Land Needs Study’ (2021),<sup>36</sup>i.e.

*“The site is suitable for research & development uses located adjacent to the East Midlands Parkway Railway Station, science park and advanced manufacturing uses on the site south of the A453 and more energy-intensive low-carbon technology industries on the site north of the A453.”*

The Freeport designation carries ambitious targets for the delivery of new economic development and jobs and, in order to deliver completed development by the end of September 2026, it is clear that this must take place on those parts of the Site that are available for early construction.

Whilst the Southern Area is not previously developed land and is currently more open, much of this area has been utilised as a functional part of the operation of the power station though the management of ash. Bringing forward early development on the Southern Area, and those more open areas on the Northern Area, would support a transition of employment and knowledge from the existing use to new, greener and cleaner new opportunities. This is indicated on the Development Phasing drawing (RBCLDO-ARUP-ZZ-XX-DR-A-0032) prepared alongside the LDO.

Following its planned closure at the end of September 2024, the decommissioning and demolition of the Power Station buildings and infrastructure and any clearance and remediation activity will be a potentially lengthy process. Bringing forward redevelopment generally and as early as possible on the more open areas of the Site will not only meet the Freeport objectives but will retain an economically active environment around the Power Station and provide an impetus for bringing forward its redevelopment as Phase 3. On other sites in the UK, redundant and unsightly former power station infrastructure with no clear future has been left for extended periods of time, creating derelict sites of significant scale and widespread impact on openness and character. It is considered that bringing forward development of the Freeport land would minimise the risk of such impacts occurring.

As the majority of the Northern Area may be considered ‘previously developed land’, this may be assessed under paragraph 149 of the NPPF, which provides for complete redevelopment of such land providing that there is no greater impact on openness. While the overall footprint of the Proposed Development would be greater than the existing buildings and infrastructure on the Site, it is the height, massing and scale of the existing buildings within the landscape that results in the greatest impacts. In Phase 3, the removal of the existing Power Station buildings and cooling towers would significantly reduce the maximum height of buildings and structures, in particular through the loss of the 8 cooling towers of 115 m in height and the main Power Station chimney of 199 m high. The heights of new buildings that could be erected under the LDO would be controlled through a requirement to comply with the parameter plans, which have been developed following a Landscape and Visual Impact Assessment (LVIA). The maximum permissible height of buildings would be 40 metres. This would ensure that the visual impact of the Site would be acceptable and mitigate against perceived and actual impacts on the openness of the Green Belt.

The Masterplan and Parameter Plans also promote the use of landscape buffers around the Site perimeter in both the Northern and Southern Areas, which would help to mitigate any potential impacts on the openness of the Green Belt.

### **Other harm**

The impacts arising from the Proposed Development that would be permitted by the LDO have been the subject of an Environmental Impact Assessment (EIA) and Transport Assessment. The EIA has looked at a wide range of impacts that were subject to a Scoping exercise described within the Environmental Statement supporting the LDO, with the impacts summarised in Section 5 of the Non-Technical Summary (RBCLDO-ARUP-ZZ-XX-RP-YE-0001). Given the scale of the Proposed Development it is not surprising that this identifies that there would be some significant effects, for example in terms of visual impact of the buildings, loss of agricultural land, impact on buried archaeology, ecology and noise and vibration but that many of these can be appropriately mitigated by design criteria contained within the Design Guide and measures set out in the Schedule of Mitigation Requirements at Appendix C and subject to control through the Certificate of Compliance process. For example the use of planting and building design to minimise visual impact and a

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<sup>36</sup> <https://www.gnplan.org.uk/media/3332934/employment-land-needs-study-may-21.pdf>

requirement to provide both on- and off-site biodiversity gain. There are significant beneficial effects identified in the ES too, including to human health and in socio-economic impacts.

The Transport Assessment identifies impacts on the road network through increased vehicular traffic, for example on the capacity of the M1 junction 24. However, appropriate mitigation is identified within the Transport Assessment and Site Wide Travel Plan Framework, such as junction improvement measures and encouragement for sustainable travel improvements. Again, providing these mitigation measures are a requirement of the Certificate of Compliance process.

In conclusion, it is considered that the considerable benefits of the Proposed Development that are set out under the Very Special Circumstances paragraphs would clearly outweigh both the definitional harm and the other harms that would arise from the impact of the Proposed Development on the Green Belt.

## Conclusion

The NPPF makes clear that inappropriate development is, by definition, harmful to the Green Belt and the Proposed Development of the Site will result in encroachment into the open countryside and some loss of openness. Nevertheless, it is considered that there are very robust “very special circumstances” that clearly outweighs this harm. These are as follows:

- i. A significant part of the Site, including the whole of the Southern Area and the majority of the Northern Area, is one of three sites within the East Midlands Freeport – a national government initiative. The East Midlands Freeport will support regional economic growth, investment and jobs in the East Midlands in sectors including advanced manufacturing, logistics, research and development. This is a key component of the UK government’s “Levelling Up” agenda.
- ii. The unique opportunity presented by the Site for economic development and a jobs transition in sectors related to advanced manufacturing, renewable energy, and low-carbon energy technologies, will support regional objectives for the creation of highly skilled, higher-value jobs in the East Midlands and will contribute to achieving wider UK government objectives regarding net-zero carbon.
- iii. The wider environmental benefits associated with increased production and storage of energy from renewable sources, including solar and hydrogen.
- iv. The anticipated agglomeration benefits which would arise from the clustering of Research and Development facilities with renewable energy generation, further / higher education provision and connectivity to the national electricity transmission network.
- v. The Design Guide establishes a clear vision for the Site to become a centre for green and low-carbon energy production, advanced manufacturing and industry and includes a requirement for development coming forward through the LDO to demonstrate how it accords with this vision. The LDO would therefore encourage investment into the region and promote the Site as a Centre of Excellence for renewable and low-carbon energy – thus providing a competitive advantage for the regional and national economy.
- vi. Providing planning certainty for a Site which can meet the needs of high technology, advanced manufacturing, and energy-based industries, where there is a unique infrastructure offering not available elsewhere within the region. This includes excellent connectivity to the national electricity transmission network as well as excellent transport accessibility, given the proximity of the local / regional / national road network; local / regional / national rail network for passenger and freight transport by rail (including a future connection to HS2 at East Midlands Parkway); and air transport infrastructure at East Midlands Airport.
- vii. Early redevelopment of phases (i.e. land not occupied by the existing major power station structures) providing valuable early delivery opportunities necessary to meet Government’s Freeport targets and support the transition of employment and wider associated regional opportunities. Whilst, prior to Phase 3, there would be additional built form on the Site that would result in a considerable loss of openness, the benefits of supporting the transition of jobs and economic activity and in delivering the Freeport ambitions would outweigh any such temporary additional harm.

- viii. In Phase 3 the removal of tall and visually intrusive buildings, chimneys and cooling towers would reduce the wider impacts on the appearance and openness of the surrounding countryside and Green Belt. However, impacts arising from the new development would be more localised and would be acceptably and appropriately mitigated by limitations on the overall heights of buildings and strategic landscaping integral to the LDO.

## **7.6 Environmental Impact Assessment (EIA)**

### **EIA Screening**

The Council issued a Screening Opinion on 2 March 2022 which confirmed that the Ratcliffe-on-Soar LDO proposal is an EIA development with the requirement for an Environmental Statement (ES) to be prepared.

### **EIA Scoping**

The EIA Scoping Report was submitted on 22 December 2021 and a Scoping Opinion was issued on 7 March 2022. This confirmed that the Council was satisfied with the adopted methodology and that of the topic areas identified there were none that should be ‘scoped out’. It identified a number of additional issues to be ‘scoped in’, namely;

- Cumulative impact of the East Midlands Freeport on Junction 24 of the M1 motorway and overall strategic road network;
- Impact on operational railway;
- Loss of agricultural land and knock-on impacts on food production;
- Additional visual receptors for Landscape and Visual Impact Assessment;
- Impact of HS2 route; and
- Impact on cultural heritage.

The statutory consultation bodies consulted by the Council were as follows: Natural England, the Environment Agency, Nottinghamshire County Council, National Highways, Network Rail, National Grid, Historic England, Severn Trent Water, Nottinghamshire Wildlife Trust, and a number of internal consultees at the Council.

The environmental topics that are included in the ES scope are: Agricultural land and soils, Air quality, Archaeology and built heritage, Ecology, Ground conditions, Landscape and visual, Materials and waste, Noise and vibration, Socio-economics, Water environment, Climate change and greenhouse gases, Human health, Traffic and transport, In-combination and Cumulative Effects.

### **Environmental Statement**

The Environmental Assessment describes in detail the technical findings of the Environmental Impact Assessment, and the likely significant environmental effects, both beneficial and adverse, and the means to avoid or reduce these adverse effects.

The ES presents the findings of the EIA undertaken in accordance with the EIA Regulations. Running concurrently with the formulation of the LDO, the ES has sought to identify any likely significant environmental effects through the assessment of the development Parameter Plans. To ensure a robust approach, this has typically entailed, a ‘worst-case’ assessment of the maximum development allowed within those parameters. This is not to say that the development will be implemented to these maximum parameters (the level of development could be lower as long as it is within the parameters) and therefore the ES is considered to represent a ‘worst-case’ assessment.

The EIA process then identifies appropriate design and construction measures and good practice both to mitigate, where possible, likely significant adverse environmental effects and to maximise the environmental opportunities that might arise as a consequence of the construction and operation of the Proposed Development.



The ES has also determined the residual significant beneficial and adverse environmental effects remaining after mitigation has been incorporated.

The ES comprises the following volumes:

- Volume 1: Non-technical Summary;
- Volume 2: Main Text
- Volume 3: Drawings; and
- Volume 4 Appendices.

The following is a brief extract from the Non-technical Summary; for a full understanding of the impacts, reference should be made to the Non-technical Summary or Environmental Statement.

**Agricultural land and soils** – As a result of handling and movement of soils there is expected to be a moderate adverse effect on soils which is considered **significant**.

A minor loss of subgrade 3a land (~10 hectares) would result in a minor adverse effect on best and most versatile agricultural land which is considered not significant. 50 hectares of subgrade 3b agricultural land will be lost as a result of the Proposed Development, resulting in a moderate adverse effect which is considered **significant**.

**Air Quality** – Following the implementation of best practice measures to reduce and suppress dust generation on Site, effects from dust during construction will be negligible, and **not significant**.

Effects from operational traffic emissions were assessed, and these were found to have no more than a negligible effect on local air quality, which is **not significant**.

**Archaeology and built heritage** – The potential exists for unrecorded archaeological features, remains, and/or deposits to survive in situ throughout much of the Site. An Archaeological Remains Management Plan, and scheme of trial trenching would be undertaken to ensure archaeological features are appropriately understood and managed during construction. Their loss however, if unavoidable, would result in a moderate adverse effect which is considered **significant**.

A number of heritage assets, including the Red Hill Scheduled Monument, would experience some level of change in their setting (the surroundings in which a heritage asset is experienced) as a result of the construction and operation of the Proposed Development. This would result in a slight adverse effect at worst, which is considered **not significant**.

**Ecology** – The risk of any indirect impacts to statutory and non-statutory wildlife sites is low, such that any impact is considered **not significant**. The Ratcliffe-on-Soar Flyash Grassland local wildlife site, Ratcliffe-on-Soar Flyash Track Grassland local wildlife site (Candidate), and Ratcliffe-on-Soar Flyash Grassland I local wildlife site (Candidate) are all present on the Site and will be directly impacted because of either partial or full loss of habitat within the sites, resulting in a **significant** effect at the Regional/County scale.

Impacts upon other habitats and species on the Site, such as bats, badger, otter, water vole, breeding bird and reptiles are considered **not significant** following the implementation of mitigation such as habitat creation and measures to control disturbance caused during construction and operation.

**Climate change and greenhouse gases** – Providing that future developments on the Site come forward in line with the principles set out, the Proposed Development is expected to have a minor adverse effect upon the atmosphere and greenhouse gases that is **not significant** for construction and operation.

**Ground conditions** – During construction, standard management measures would be implemented to ensure that effects on human health as a result of exposure to contaminated soil and/or groundwater, and elevated concentrations of ground gas/vapours is avoided. As such effects are slight adverse at worst and **not significant**.

**Human health** – The local population may be impacted during construction and operation because of disturbance (such as presence of a construction workforce, generation of dust and changes to views) and changes to amenity value (such as availability of housing, healthcare and access to green space). These

impacts are, however, largely managed via mitigation integrated into the Proposed Development and are considered to be **minor adverse and not significant**.

Construction and operational job creation, and subsequent inward investment to the regional economy, because of the Proposed Development is considered to be **moderate beneficial, and significant**.

Other benefits that will be derived during operation will stem from the provision of cycle parking and electric vehicle charging; and additional community assets including on-site green space, public rights of way / cycleways, and a potential community hub.

**Landscape and visual** – Due to the removal of vegetation across the Site and introduction of new built elements, the landscape character of the Site is considered to change to a degree that a moderate adverse effect would result for the NW01 Gotham and West Leake Wooded Hills and Scarps landscape character area during construction, this is considered **significant**. All other landscape character areas are not expected to be significantly impacted during construction.

Following the implementation of a landscape mitigation strategy, including provision of new planting, all landscape character areas during operation would not be impacted to a degree such that a significant effect would arise. These are considered to result in no worse than a minor adverse effect, **not significant**.

A number of **significant effects** would arise due to changes to views, predominantly the result of visible built form on the horizon, and scale of the Proposed Development to receptors closer by. There is little that can be done to mitigate these effects in terms of additional screening, beyond that already embedded in the design. The quality and appearance of built form will be crucial to the reduction of potential effects.

**Materials and waste** – The approach to earthworks will enable materials excavated onsite to be reused at areas of the Site where materials are required as far as practicable. This will minimise the amount of material required from offsite.

The existing mineral reserves beneath the Site are currently inaccessible, i.e. sterilised. Due to the existing infrastructure and nature of the Site, excavation of the reserves would not be practicable. The Proposed Development would not alter the situation and the mineral reserves would remain in situ and sterilised. This results in a neutral effect, which is considered **not significant**.

Waste arisings from construction are considered to result in slight adverse effect upon landfill capacity, which is considered **not significant**.

**Noise and vibration** – No significant effects are expected during construction as a result of noise that arise from activities such as earthworks and piling.

During operation building services noise would be controlled to limits such that no significant effects would arise.

**Socio-economics** – Employment and inward investment to the regional economy generated as a result of the construction and operation of the Proposed Development is considered to be **major beneficial**, and therefore **significant**.

**Traffic and transport** – As a result of changes in traffic flow due to traffic generated by the Proposed Development, drivers may be delayed at some local junctions surrounding the Site, resulting in a minor adverse effect, **not significant**. There is a negligible effect on accidents and safety rates, also considered **not significant**.

Non-motorised users on Station Road and West Leake Road in East Leake, and Main Street in West Leake, may be impacted as a result of increased traffic flows making road crossings more difficult. This results in a moderate adverse effect, which is considered **significant**.

A number of Public Rights of Way cross the Site, and will be re-routed and reconnected, maintaining the existing pedestrian routes in the area. As a result of the Proposed Development, some route distances crossing the Site will become longer, resulting in a minor adverse effect, considered **not significant**. The amenity of these routes is expected to be slightly impacted as routes will be closer to buildings than the existing Public Rights of Way, resulting in a neutral effect, **not significant**.

**Water environment** – With the adoption of pollution prevention measures and construction best practice, **no significant effects** are expected to occur to water based receptors during construction. A number of sustainable urban drainage measures are proposed in order to manage surface water drainage and flood risk during operation such that **no significant adverse effect** would result.

**Cumulative effects** – An assessment has been undertaken to understand any in-combination and cumulative effects of the Proposed Development. In-combination effects are those which may be a result of the combined action of different environmental impacts from the Proposed Development upon the same receptor(s), i.e. human / residential receptors. Cumulative effects are those which may occur due to the ‘cumulation’ or combined action of a number of different projects and developments cumulatively with the Proposed Development, on the same receptor. There are considered to be **no significant** in-combination or cumulative effects as a result of the Proposed Development.

## **7.7 Transport Assessment**

A Transport Assessment has been prepared to support the development of the LDO, reporting on the transport impacts of the Proposed Development and considering appropriate mitigation measures. The following is an extract of the main findings and conclusions.

### **Transport modelling**

The East Midlands Gateway Model (EMGM) has been used to appraise transport impacts due to the Proposed Development. An Area of Influence (AOI) was established and the calibration and validation of the model within this area was tested. It has been concluded that the EMGM is fit for the purpose of assessing the impacts of the Proposed Development.

### **Reference case**

The Reference Case represents the transport conditions in the future without the Proposed Development and includes estimates of traffic from committed developments and committed infrastructure improvements. The committed schemes were recently updated with information from the relevant authorities. The Reference Case also includes East Midlands Airport growth and development at the other two sites of the East Midlands Freport: the East Midlands Intermodal Park and the site at East Midlands Airport.

In general, the forecast growth in traffic from 2016 indicated substantial increases on the A453 between Castle Donington and the A52 Clifton Boulevard. Increases also occurred on the M1 corridor, the A50 Derby Southern Bypass, sections of the A52 and the A6. To a lesser extent, and in the vicinity of the Site, there are increases on the A6006 between the A6 and the A46, West Leake Lane towards the A6006, and Green Lane and Farnborough Road in Clifton.

There are also reductions in traffic flows on local roads in Kegworth and Castle Donington due to the implementation of a bypass; in Gamston and Edwalton due to A52 improvements; and in the Sinfyn and Rolls Royce areas of Derby due to the new A50 junction to serve the South Derby Growth Zone.

### **Trip generation**

Based on the Proposed Development land uses, including the retained and consented EMERGE Centre, it is estimated that there would be 2,712 car person trips and 143 public transport person trips in the AM peak hour, and 1,973 car person trips and 99 public transport person trips in the PM peak hour. These trips have been used in the EMGM With Development modelling scenarios.

### **2026 With Development (no mitigation)**

The combined impact of the traffic generated by the Proposed Development and the consequential reassignment of baseline traffic in 2026, leads to increases in total traffic of more than 10% on sections of the A453 particularly close to the Site, the M1, A50, Green Lane, Clifton Road and roads to the south of the Site, including West Leake Lane, Station Road, Melton Lane, Trowell Lane, Gotham Road, Main Street (West Leake)/West Leake Road/Station Road, Main Street (East Leake), Leake Road, Side Ley and Derby Road, in one or both peak hours.

There are smaller percentage increases on other road links as well as decreases in traffic predicted on sections of the A453, M1, A52, A50 and Derby Road. This is as a consequence of traffic seeking alternative routes due to wider congestion.

There are increases in heavy goods vehicles (HGVs) of more than 10% forecast on various sections of the A453, the M1, A52 Brian Clough Way, West Leake Lane north of the weight restriction, Green Lane, Clifton Road and Wilford Road in Clifton/Ruddington.

The combined impact generally results in similar or slightly worsened operation of the junctions on the road network local to the Site, compared to the Reference Case. The detailed junction modelling indicates that the operation of the Farnborough Road Roundabout, Finger Farm Roundabout, M1 junction 23A, M1 junction 26 and the A50 junction 2 would be similar to the Reference Case, whilst the operation of the A453/Green Lane/Village Road junction, Crusader Roundabout and M1 junctions 24/24A and 25 would be worsened.

The Mill Hill Roundabout, A453/West Leake Lane dumbbell roundabout and A50 junction 1 would operate within their capacities. The three roundabouts forming the A453/East Midlands Parkway/Kegworth Road junction would also be operating within capacity, but the western access to the Northern Area would be operating above its capacity.

### **Mitigation proposals**

The general approach to mitigate for transport impacts is to build on the existing public transport offer provided by East Midlands Parkway railway station, local bus routes and the Nottingham Express Transit (NET) tram. In addition, key highway constraints are improved, where practicable, to accommodate the traffic generated by the Proposed Development and to reduce the amount of future baseline traffic displaced by development traffic, thus reducing impacts on the wider road network.

The measures proposed to mitigate for the transport impacts of the development are:

- Creating a new pedestrian link from the Site to the eastern side of East Midlands Parkway station;
- Maintaining the rail freight siding on the Site to encourage rail freight as an alternative to road haulage;
- Implementing a site shuttle bus to transport people around the Site, connecting with the station and mobility hubs;
- Working with bus operators to encourage the Skylink Express, Airway 9 and the MY15 services to stop at the Site;
- Providing an on-site shared bike / electric scooter or similar service, allowing people to pick up a bike/scooter near the station and at mobility hubs to access their final destination;
- Contributing to a traffic management study for local roads around Clifton to minimise “rat-running”;
- Improving Junction 24 on the M1, which may be best served by a strategic intervention to support economic growth in the East Midlands;
- Improving the western highway access to the Northern Area;
- Improving the West Leake Lane access to the Southern Area;
- Contributing to cycle improvements for cycle routes accessing the Site; and
- Appointing a Site Wide Travel Plan Coordinator to promote and implement the Site Wide Travel Plan.

As a result of the mitigation, the EMGM forecasts that 80.4% of people travelling to/from the Site would travel either as a car driver or passenger, and 15% would travel by public transport (13.6% by rail and 1.4% by bus).

With the mitigation in place, the Proposed Development results in an increase of over 10% in the total number of vehicles on various sections of the Strategic Road Network, including sections of the A453, M1

and A50, compared to the Reference Case. The largest percentage increase occurs between M1 junction 24 and the Site. The improvement to M1 junction 24 generally draws back some of the traffic that was re-routing in the With Development scenario to avoid congestion, particularly in the 2026 AM peak.

To the south of the Site, in the rural areas, there are increases in total vehicles greater than 10% on a number of local roads. The higher percentage impact on these roads in Kingston on Soar, West Leake, East Leake and Kegworth, is in part due to the lower baseline traffic. The increase ranges between 1 and 3 vehicles per minute in the 2026 AM and PM peak hour. Use of these routes is likely to be due to staff living in the villages, the roads being the most direct route to the south, and potentially people avoiding congestion at M1 junction 24 or in Clifton.

In Clifton there are total vehicle increases of more than 10% on Green Lane and on Flawforth Lane. The largest increase of approximately 3 vehicles per minute occurs on Green Lane in the 2026 AM and PM peak hour. Green Lane could be one of the roads used to avoid congestion on the A453, and which could form part of the traffic management study to minimise re-routing on less appropriate roads.

There are increases in HGVs of more than 10% forecast on various sections of the A453, the M1, A52 Brian Clough Way, West Leake Lane north of the weight restriction, Green Lane, Clifton Road and Wilford Road in Clifton/Ruddington.

Detailed junction modelling of the improvement at M1 junction 24 shows that the junction operation would be improved compared to the Reference Case, with more traffic able to enter the junction. However, the improvements do not resolve the underlying congestion issues which are associated with future baseline traffic including the forecast airport growth, committed developments and the other two sites of the East Midlands Freepoint.

The upgrading of the western access to the Northern Area with traffic signals will resolve the capacity issues at the A453/East Midlands Parkway/ Kegworth Road junction in the With Development scenario.

The EMGM indicates that the proposed measures have mitigated 75% of the Proposed Development impact in the 2026 AM peak and 69% in the PM peak hour.

## **Travel Plan**

A core component of the mitigation proposals has been to develop a Site Wide Travel Plan Framework (SWTPF) (document reference: RBCLDO-ARUP-ZZ-XX-RP-YP-0004), submitted with the LDO. This sets out measures that will be implemented to promote sustainable travel to the Site. This document covers the planning phase of the Proposed Development. During occupation, responsibility for the Site Wide Travel Plan (SWTP), which will be prepared based on the framework and principles of the SWTPF, will lie with the management team for the Site and the appointed Travel Plan Co-ordinator. Individual occupiers will be responsible for preparing a Plot Specific Travel Plan (PSTP) which will be set within the framework and principles set out in the SWTP.

### Aims:

The SWTPF mainly focuses on staff related to the Proposed Development. The measures suggested within the SWTPF are intended to encourage travel by sustainable and active modes of transport.

The overarching aims of the SWTPF for the development seek to:

- Influence the travel behaviour of staff and visitors;
- Encourage travel by cycle, on foot and by public transport by highlighting their accessibility and availability;
- Reduce car-based/single occupancy trips generated by the Proposed Development; and
- Promote healthy lifestyles, sustainable and active travel, and vibrant communities.

### Objectives:

The objectives of the SWTPF respond to these aims through:

- Promoting the existing and proposed public transport connections in the area including National Rail, bus services and the NET tram, and the availability of the shuttle bus and shared bikes for onward travel within the Site;
- Promoting cycling for journeys to and from work, and walking and cycling during the day in order to improve health and to minimise the impact of the Proposed Development on the local transport networks;
- Positively promoting, whilst not aspiring to dictate, the lifestyles of the staff of the Proposed Development; and
- Linking the Proposed Development to the surrounding communities by the strong promotion of public transport and cycling, thus minimising the impact of the Proposed Development on the highway infrastructure in its vicinity.

A Site Wide Travel Plan Coordinator (TPC) will be appointed prior to first occupation of the Site, to deliver the actions set out in the SWTP. The Site Wide TPC will be responsible for the Site as a whole. The name, address, telephone number and email address of the Travel Plan Co-ordinator will be provided to the local highway authority once they have been appointed.

For each plot, the occupier will be required to appoint a TPC to prepare and implement a PSTP.

## Appendix A – Ratcliffe-on-Soar LDO: Full document list

Document	Reference Number
<b>LDO Documents</b>	
Ratcliffe-on-Soar Local Development Order and Statement of Reasons	RBCLDO-ARUP-ZZ-XX-RP-YP-0002
Design Guide	RBCLDO-ARUP-ZZ-XX-RP-A-0001
Parameter Plans – Development Plots	RBCLDO-ARUP-ZZ-XX-DR-A-0011
Parameter Plans – Access and Circulation	RBCLDO-ARUP-ZZ-XX-DR-A-0012
Parameter Plans – Strategic Infrastructure Zones	RBCLDO-ARUP-ZZ-XX-DR-A-0013
Parameter Plans – Permitted Uses	RBCLDO-ARUP-ZZ-XX-DR-A-0014
Parameter Plans – Strategic Landscape	RBCLDO-ARUP-ZZ-XX-DR-A-0015
Parameter Plans – Maximum Heights	RBCLDO-ARUP-ZZ-XX-DR-A-0016
Parameter Plans – Site Sections	RBCLDO-ARUP-ZZ-XX-DR-A-0017
Parameter Plans – Rail Information	RBCLDO-ARUP-ZZ-XX-DR-A-0018
Parameter Plans – Proposed Site Levels	RBCLDO-ARUP-ZZ-XX-DR-A-0019
<b>Supporting Documents</b>	
Site Location Plan	RBCLDO-ARUP-ZZ-XX-DR-A-0001
LDO Boundary	RBCLDO-ARUP-ZZ-XX-DR-A-0002
Freeport Plan	RBCLDO-ARUP-ZZ-XX-DR-A-0003
Existing Site Plan	RBCLDO-ARUP-ZZ-XX-DR-A-0004
Topography Plan	RBCLDO-ARUP-ZZ-XX-DR-A-0005
Illustrative Masterplan	RBCLDO-ARUP-ZZ-XX-DR-A-0030
Illustrative Masterplan – Building and Uses	RBCLDO-ARUP-ZZ-XX-DR-A-0031
Illustrative Masterplan – Development Phasing	RBCLDO-ARUP-ZZ-XX-DR-A-0032
Environmental Statement (Vol 1 Non-technical Summary)	RBCLDO-ARUP-ZZ-XX-RP-YE-0001
Environmental Statement (Vol 2 Main Text)	RBCLDO-ARUP-ZZ-XX-RP-YE-0002 to RBCLDO-ARUP-ZZ-XX-RP-YE-0021
Environmental Statement (Vol 3 Drawings)	RBCLDO-ARUP-ZZ-XX-DR-YE-0001 to RBCLDO-ARUP-ZZ-XX-DR-YE-0068
Environmental Statement (Vol 4 Appendices)	RBCLDO-ARUP-ZZ-XX-RP-YE-0022 to RBCLDO-ARUP-ZZ-XX-RP-YE-0063
Transport Assessment	RBCLDO-ARUP-ZZ-XX-RP-YP-0003
Site Wide Travel Plan Framework	RBCLDO-ARUP-ZZ-XX-RP-YP-0004
Utilities Strategy Report	RBCLDO-ARUP-ZZ-XX-RP-CU-0001
Flood Risk Assessment	RBCLDO-ARUP-ZZ-XX-RP-YE-0063
Surface Water Drainage Strategy	RBCLDO-ARUP-ZZ-XX-RP-CD-0001
Energy Strategy	RBCLDO-ARUP-ZZ-XX-RP-N-0001
Arboricultural Survey	RBCLDO-ARUP-ZZ-XX-RP-YP-0005
Statement of Community Involvement	RBCLDO-ARUP-ZZ-XX-RP-YP-0001



## Appendix B – Application for a Certificate of Compliance Process

### Guidance Note

It is a requirement that potential developers and occupiers wishing to carry out development permitted by the Ratcliffe-on-Soar Local Development Order (LDO) shall submit an Application for a Certificate of Compliance prior to commencement of development. This includes all development permitted by the LDO, including delivery of infrastructure. No development should be commenced before formal notification has been received from the Council that the Certificate of Compliance has been approved.

The purpose of the Application for a Certificate of Compliance is to ensure that high-quality, sustainable development comes forward at the Site, in line with the aspirations and objectives of the Ratcliffe-on-Soar LDO and its supporting documents and that the mitigation identified through the Environmental Impact Assessment, Transport Assessment and other supporting studies is delivered.

A copy of the Application Form is provided below which sets out (at Section 10) the accompanying information which must be provided by the developer with their application, where relevant.

Prior to completion of this Application Form, Rushcliffe Borough Council strongly recommends that potential developers and occupiers review and take note of the following key documents:

- **Ratcliffe-on-Soar Local Development Order and Statement of Reasons:**
  - Part 1 of this document sets out the development for which the Ratcliffe-on-Soar LDO grants planning permission, the conditions associated with any permitted development and the process which must be followed to achieve a Certificate of Compliance prior to implementation.
  - Part 2 of the document sets out the wider context for the Ratcliffe-on-Soar LDO, the Statement of Reasons, the strategic and planning policy considerations, and other items required by the legislation and LDO regulations.
- **Ratcliffe-on-Soar LDO Design Guide:**
  - This document sets out the ‘Key Design Principles for Compliance’, which will need to be evidenced by potential developers and occupiers when completing this Application Form for a Certificate of Compliance.
- **Ratcliffe-on-Soar Parameter Plans**
  - These set out the key parameters, within which development should be undertaken. Amongst others these include the location of particular uses, transport and other on-site infrastructure corridors and building heights.
- **Ratcliffe-on-Soar LDO Environmental Statement:**
  - This document identifies how the construction, design and implementation phases must include mitigation which positively responds to the local environment, including the provision of Biodiversity Net Gain measures. This forms the basis of the Schedule of Mitigation Requirements, which is included as part of this Certificate of Compliance Application Form.
- **Ratcliffe-on-Soar Transport Assessment and Site Wide Travel Plan Framework**
  - These documents identify the key mitigation measures for transport related impacts that should be delivered on and off-site through the provision of an updated Transport and Biodiversity Mitigation Strategy and site-specific Travel Plan.
- **Other supporting studies**
  - Energy Strategy
  - Flood Risk Assessment
  - Utilities Report

- Surface Water Drainage Strategy
- Arboricultural Assessment

Completion of this Application Form and provision of supporting information will enable the Council, as the Local Planning Authority, to assess the proposals in line with the LDO, Parameter Plans and Design Guide. The Application Form will also enable potential developers and occupiers to refine and adapt their proposals to ensure they are compliant with the vision, objectives, parameters and requirements of the LDO.

The Council recommends that potential occupiers and developers seek pre-application advice prior to submission of their Application for a Certificate of Compliance. The Council will notify key council members at its discretion and will consult with relevant consultees to seek advice and guidance as to proposed submission and mitigation requirements. This will help to ensure that any proposed development under the LDO is in line with the objectives, parameters and requirements of the LDO, and is likely to speed up the compliance process when submissions are formally received, although is no guarantee of a positive outcome.

### **How to submit an Application for a Certificate of Compliance**

The completed Application Form, along with the necessary accompanying documents, should be submitted electronically to Rushcliffe Borough Council at:

[planningandgrowth@rushcliffe.gov.uk](mailto:planningandgrowth@rushcliffe.gov.uk)

Alongside this, a fee payment will be required, which is calculated according to the overall quantum of permitted development which is being sought under the Ratcliffe-on-Soar LDO. The fee will be based on the equivalent nationally set fees for Approval of Reserved Matters applications. If the Council believe that the application is invalid for any reason they will confirm in writing within 5 working days of receipt of the application, setting out the reasons for this. Failure to provide the requested information within 28 days of receipt of the Council's notification will render the application invalid and all documentation and fees paid will be returned to the applicant. In the event of a dispute the matter will be referred to the Service Manager Planning, whose decision will be final.

### **What happens next?**

Following validation of the submission, a determination period of 8 weeks will apply to any applications under the LDO. If the application is deemed to be acceptable and therefore permitted development under the LDO, the Council shall issue a Certificate of Compliance, following which development may commence.

If the Council requires further information to make an assessment, rather than issue a response of non-compliance, we will seek to agree a reasonable timescale with you.

If you wish to make minor amendments to your proposal following a successful compliance application, please resubmit all documents including a re-completed copy of this form together with an explanation of the extent of such alterations (including clear direction to where such changes are demonstrated within your submission). A fee will not be charged for amendments on such applications.

If the application is not considered to be in accordance with the requirements of the LDO, a Certificate of Compliance will not be issued, and no development will be permitted.

# Ratcliffe-on-Soar Local Development Order Application for a Certificate of Compliance

## 1. Applicant Name and Address

Title: ..... First name: .....  
Last name: .....  
Company (optional): .....  
Address:  
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Email: ..... Tel: .....

## 2. Agent Name and Address

Title: ..... First name: .....  
Last name: .....  
Company (optional): .....  
Address:  
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Email: ..... Tel: .....

## 3. Pre-application Advice

Has assistance or prior advice been sought from Rushcliffe Borough Council about this application? Yes / No

If Yes, please complete the following information about the advice you were given.

Officer name: .....  
Reference: ..... Date of advice: .....

Details of pre-application advice received:  
.....  
.....  
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.....

## 4. Authority Employee / Member

It is an important principle of decision-making that the process is open and transparent. For the purposes of this question “relating to” means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the local planning authority.

Do any of the following statements apply to you and / or agent?

With respect to the Authority, I am:

- a. a member of staff
- b. an elected member
- c. related to a member of staff
- d. related to an elected member
- e. other relation to the Authority

Yes / No

If Yes, please provide details of their name, role and how you are related to them.

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### 5. Description of Your Proposal

Please provide a description of your proposal and provide a site address or grid reference for the proposed development.

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### 6. Compliance with Use Classes and Limitations

Your proposal(s) must comply with the Schedule of Land Uses and Restrictions. Please complete the table below to demonstrate compliance. The Design Guide sets out the acceptable location and distribution of land uses across the Site. If your proposal is not compliant, please refine your proposal and do not continue with this Application Form.

Permitted Use	Planning Class	Restrictions	Applicant Response	Proposed Floor Space (m <sup>2</sup> )
Energy Generation and Storage	Sui Generis*	Excluding wind generation		
Advanced Manufacturing and Industrial	B2 & E (g) (iii)	–		
Data Centre	B8 / Sui Generis*	–		

Permitted Use	Planning Class	Restrictions	Applicant Response	Proposed Floor Space (m <sup>2</sup> )
Logistics, storage and distribution	B8	Logistic uses shall be limited to a maximum of 180,000 m <sup>2</sup> GFA on the Northern Area.		
Research and Development	E (g) (ii)	–		
Offices	E (g) (i)	–		
Education (skills and training)	F1 (a)	–		
Complementary Uses, including: Active Travel Mobility Centres Small scale retail Food and beverage Hotel and ancillary meeting facilities Creche/Day Nursery Gym/Fitness facility	F2 (a) E (b) & Sui Generis* C1 E(f) E(d)	All uses to be of scale to serve development only Maximum 280 m <sup>2</sup> retail Maximum 150 beds hotel Food and beverage: Maximum 1 × Cafe/ Bar and 1 × hot or cold food takeaway Maximum 1 × Creche/Nursery and 1 × Gym/Fitness facility		

\*Not falling into a particular Use Class

### Key Characteristics

In order to ensure that the proposal reflects the Vision for the site, the Design Guide requires that any development meets the Key Characteristics set out in Principle LU6 and in Section 2.4 of the LDO. In order to comply with these requirements you should set out in the table below which characteristic(s) you believe apply to your development. Please provide supporting information to evidence how your development will satisfy at least one of these characteristics.

Characteristic	Characteristic that applies (Please put X in any relevant box)	Evidence provided
1) Provide high quality employment, well paid, highly skilled jobs		
2) Produce technology needed to deliver the net-zero transition		
3) Produce, store and/or manage low-carbon and green energy		
4) Businesses with high energy demands – where co-location allows energy to be used more efficiently		
5) Modern industrial or logistics facilities applying high-tech processes to improve efficiency		
6) Promote cross-fertilisation of ideas and innovation through education or training		
7) Provide complementary services primarily to support the occupiers of the Site.		

## 7. Compliance with Parameter Plans and Design Guidance

The Parameters that underpin redevelopment of the Site are intended to provide occupier flexibility and have been developed to respond to the clean growth agenda and shift to a low-carbon economy, market requirements and the competitive advantages of the Site.

Full guidance on the Parameter Plans can be found in the Design Guide. Your proposal must be in accordance with the Parameter Plans and Design Guidance.

Please identify and explain in the table below how your proposal is compliant in with the Parameter Plans, with reference to your submitted drawings where appropriate.

Parameter Plan	Compliance Question	Applicant Compliance Response
Development Plots	Does the proposal fall within one of the development plots? If it does please identify which plot.	
Access and Circulation	How does the proposal fit within and connect with the access and connectivity routes?	
Strategic Infrastructure Zones	How does the proposal consider the strategic infrastructure zones?	
Permitted Uses	Does the proposal fall within one of the permitted uses for the plot?	
Strategic Landscape	Does the proposal include delivery of strategic landscaping?	
Maximum Heights	Does the proposed building or buildings fall within the maximum height for the plot?	
Site Sections	Does the proposal accord with the site sections?	
Rail Information	Does the proposal have any direct interaction with the rail infrastructure on-site?	
Proposed Site Levels	Does the proposal accord with the proposed site levels?	

With reference to the Design Guide, please identify in the table below how your proposal is compliant in with the Design Guidance.

### Land Use

Ref	Design Principle	Applicant Response (refer to each relevant Key Criteria in the Design Guide)
LU1	Make efficient use of land.	
LU2	Locate public face for buildings, onto streets and pedestrian routes, and amenity areas.  Locate plant, storage yards, and external servicing equipment out of sight from public realm areas.	

Ref	Design Principle	Applicant Response (refer to each relevant Key Criteria in the Design Guide)
LU3	Group similar business types and uses together.	
LU4	Create an environment to attract and retain businesses and people.	
LU5	Create an attractive, well designed approach from principal highway and rail entrances into the site (Zones J, E & G).	
LU6	Ensure development accords with the Vision for the site to become a centre for low-carbon energy generation and storage uses that are efficient in their use of energy, provide facilities for advanced manufacture, including technologies needed to transition to net-zero, or that provide research and/or training facilities for innovation of technologies needed to transition to net-zero.	
LU7	Complementary uses (Zones E and J only) designed to primarily support the users of the businesses and people working within the Site.	

## Transport

Ref	Design Principle	Applicant Response (refer to each relevant Key Criteria in the Design Guide)
T1	Prioritise pedestrian / cycle users	
T2	Accommodate public transport access.	
T3	Minimise impact on PROWs and enhance their environment where diversion is needed.	
T4	Provide mobility hubs particularly at key arrival points and where routes come together as 'place making nodes'.  Mobility hubs to include: public or shuttle bus stops, access to bicycles and e-scooters.	
T5	Maximise potential to connect to EMP Station, considering future HS2 terminal.	
T6	Maximise benefit and strategic advantage of existing site rail infrastructure.	
T7	Manage HGVs to operate safely with pedestrians, cyclists and micro-mobility.	



## Infrastructure and Services

Ref	Design Principle	Applicant Response (refer to each relevant Key Criteria in the Design Guide)
IS1	Design and layout should maximise use of key site infrastructure.	
IS2	Infrastructure and utilities designed to support the clean growth and smart industrial park vision for the Site.	
IS3	Sitewide utilities and services to be provided within the road corridor.	
IS4	Surface water to be managed in accordance with drainage strategy.	
IS5	Infrastructure and utilities to be designed to allow for maintenance without impacting access routes.	
IS6	Reduce outbound waste stream.	
IS7	Ensure efficient land remediation.	
IS8	External Lighting.	

## Building Heights and Design

Ref	Design Principle	Applicant Response (refer to each relevant Key Criteria in the Design Guide)
BH1	Building heights.	
BH2	Plot I set back.	
BH3	Chimneys and Flues.	
BH4	Landmarks which celebrate the transformation of the site to a centre for green and carbon energy and focal points.	
BH5	Impact on residential amenity.	

## Architectural Treatment

Ref	Design Principle	Applicant Response (refer to each relevant Key Criteria in the Design Guide)
A1	Building massing – To mitigate the visual impact of the proposal from roads and other spaces outside the development.	
A2	Geometry – Provide simple volumes with clear legibility of overall massing and form.	

Ref	Design Principle	Applicant Response (refer to each relevant Key Criteria in the Design Guide)
A3	Roofscape – To mitigate visual impact from public roads and spaces.	
A4	Materials and Colours – To provide variety in otherwise blank elevations	
A5	Separate main entrances from services yards.	
A6	Design for climate change mitigation	
A7	Provide adequate daylighting	
A8	Zone J	
A9	Buildings facing A453 – To mitigate visual impact and bulk of buildings facing A453	

### Strategic Landscape

Ref	Design Principle	Applicant Response (refer to each relevant Key Criteria in the Design Guide)
SL1	Create strong strategic buffer landscape at edges of the Site.	
SL2	Maximise opportunities to integrate biodiversity.	
SL3	Ensure that internal streets and spaces have a landscape structure which make them attractive to occupiers and their workforce.	
SL4	Reserve zone for potential future tram and landscape appropriate to this.	
SL5	Ensure drainage features and waterbodies are integrated into the sitewide design.	
SL6	Recognise key arrival points within the Site and areas where routes come together as ‘placemaking nodes’.	
SL7	Ensure sitewide and plot external lighting is designed to provide a safe and attractive environment for site users whilst minimising impacts on the surrounding rural environment, ecological habitats and skyglow.	

### 8. Mitigation Measures to be delivered as part of the Application

The mitigation measures necessary to address the impacts arising from the Development are set out in the Mitigation Requirements in Table C in Appendix C of the LDO. The applicant must submit a Transport and Biodiversity Mitigation Strategy in accordance with the requirements of condition 5 of the LDO, unless it can be justified that one is not required. In the table below the applicant must set out those specific

mitigation measures that will be delivered as part of and/or alongside the application for a Certificate of Compliance.

Document (Applicant to directly copy over from Table C: Mitigation Requirements)	Mitigation Requirement (Applicant to directly copy over from Table C: Mitigation Requirements)	Proposed Mitigation (Applicant to set out what they are providing, and how and when they will be providing the mitigation.)

## 9. Conditions

No	Condition	Applicant response
1.	<p>The LDO and the terms within it will be active for a period of 25 years following the day of its adoption and will expire following this period. The Council will review progress with the LDO on the 3rd anniversary of its adoption and at 5 yearly intervals thereafter, to be able to fully reflect on the continued suitability of the LDO in the light of any changes to planning policy and market conditions. The review will be completed within 28 days of the review anniversary and at the end of the review the Council will determine whether to:</p> <ul style="list-style-type: none"> <li>Retain the LDO as it stands for the remaining years of its life;</li> <li>Retain the LDO but revise some elements / provisions of the LDO; or</li> <li>Revoke and cancel the LDO.</li> </ul> <p>Development which has a valid Certificate of Compliance at the time of any revision or revocation may be commenced under the provisions of the LDO up to 3 years from the date of revocation or revision.</p>	
2.	<p>The development hereby permitted must not be commenced in relation to any part of the Site until an Application for a Certificate of Compliance for the development of that part of the Site has been submitted to the Council (in accordance with Appendix B of this LDO) and a Certificate of Compliance has been issued in respect of that development by the Council.</p>	
3.	<p>All development permitted by this LDO must be carried out strictly in accordance with all of the following:</p> <ul style="list-style-type: none"> <li>the criteria and conditions set out within the LDO and all of its</li> </ul>	

No	Condition	Applicant response
	<p>accompanying Parameter Plans and Design Guide;</p> <ul style="list-style-type: none"> <li>the Certificate of Compliance Application Form and all of its accompanying documents; and</li> <li>the conditions contained within any Certificate of Compliance issued by the Council.</li> </ul>	
4.	<p>Not less than 14 days prior to the commencement of development on that part of the site, an LDO Commencement Notice shall be submitted to the Council.</p>	
5.	<p>Prior to the first submission of an application for a Certificate of Compliance, a Transport and Biodiversity Mitigation Strategy shall be submitted to and approved in writing by the Council.</p> <p>This should demonstrate how the measures contained within the Schedule of Mitigation Requirements at Appendix C of this LDO will be delivered in a progressive manner alongside the phased development of the whole Site.</p> <p>The Approved Transport and Biodiversity Mitigation Strategy must be updated and submitted with each Certificate of Compliance Application to demonstrate that the appropriate mitigation is being delivered and/or to reflect a material change in circumstances.</p> <p>All development carried out within the Site must be in accordance with the Approved Transport and Biodiversity Mitigation Strategy.</p>	
6.	<p>No building that results in the total quantum of development on the Site exceeding 610,000 m<sup>2</sup> GFA, or which generates in excess of 560 vehicle trips to the development in the morning peak period (08.00 to 09.00), may be occupied until the M1 Junction 24 improvement works identified in the Transport Assessment (or other mitigation measures agreed with the Council and National Highways) have been implemented or an agreement is in place between the developer and the relevant highway authority for the delivery of these works.</p>	
7.	<p>The development hereby permitted must not be commenced in relation to any part of the Site until a Code of Construction Practice (CoCP) for that development has been submitted to and approved in writing by the Council. The CoCP must address all construction impacts identified in the Environmental Statement and as summarised in Table C in Appendix C of this LDO. The development shall only be carried out in accordance with the approved CoCP.</p>	
8.	<p>The development hereby permitted must not be commenced in relation to any part of the Site and there must not be any preparatory operations in connection with the development carried out on any part of the Site (including site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until an Archaeological Remains Management Plan: Outline Mitigation Strategy (ARMP:OMS) has been submitted to and approved in writing by the Council.</p> <p>The ARMP:OMS must outline the archaeological mitigation that is required in respect of each plot or development area within the Site and include provision for the monitoring of each plot or development area by a suitably qualified archaeologist or archaeological organisation as development is undertaken. The ARMP:OMS must be updated with each application for a Certificate of Compliance to reflect the understanding of the archaeological potential of the Site as development progresses.</p> <p>All applications for a Certificate of Compliance submitted under this LDO in respect of a specific plot or development area must include a Written Scheme of Archaeological Investigation (WSAI) which, as a minimum, must include a desk based assessment of the plot or development area. The WSAI must be prepared by a suitably qualified archaeologist or archaeological organisation and identify the extent and</p>	

No	Condition	Applicant response
	<p>significance of any archaeological items or features that might be affected by the development of the plot or development area and propose a mitigation strategy for such items or features (i.e. preservation by record, preservation in situ or a mix of these elements), having regard to the latest version of the ARMP:OMS. If the WSAI identifies a potential for archaeology within the plot or development area, then development within that plot or area must not be commenced and there must not be any preparatory operations in connection with the development of that plot or area (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a Written Programme of Archaeological Investigations (WPAI) has been submitted to and approved in writing by the Council. The WPAI must include the following:</p> <ul style="list-style-type: none"> <li>• a methodology for site investigation and recording of archaeological items and features;</li> <li>• a timetable for carrying out such investigations on the site;</li> <li>• a programme for post investigation assessment;</li> <li>• provision for the analysis of the site investigations and recordings;</li> <li>• provision for the publication and dissemination of the analysis and records of the site investigations;</li> <li>• provision for the archive deposition of the analysis and records of the site investigation; and</li> <li>• nomination of the qualified archaeologist or archaeological group who will undertake the works set out in the WPAI.</li> </ul> <p>The development of the plot or development area must be carried out and completed in accordance with the approved WSAI and any WPAI.</p> <p>The development of the plot or development area must not be occupied or first brought into use until a written report detailing the results and post investigation assessments of any archaeological works that have been undertaken on the plot or development area has been submitted to and approved in writing by the Council.</p>	
9.	<p>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.</p>	
10.	<p>Prior to any development within any part the Site being occupied or first brought into use, a Site Wide Travel Plan (SWTP) must be submitted to and approved in writing by the Council. The SWTP must be informed by and incorporate the measures included in the Site Wide Travel Plan Framework document prepared in support of the LDO and must make provision for the appointment of a Site Wide Travel Plan Coordinator along with arrangements for monitoring and review of the SWTP.</p> <p>All applications for a Certificate of Compliance submitted under this LDO in respect of a traffic generating use of a specific plot or development area must include a Plot Specific Travel Plan (PSTP). The PSTP must be based upon the approved SWTP, with a monitoring regime to achieve preliminary modal shift targets and supporting mechanisms for securing additional sustainable transport measures. The development must be operated in accordance with the approved PSTP and SWTP.</p>	
11.	<p>The development hereby permitted must not be commenced in relation to any part of the Site until a Phasing Plan (PP) has been submitted to and approved in writing by the Council. The PP must set out a programme and methodology for the phased delivery of each of the</p>	

No	Condition	Applicant response
	<p>specific development plots, the on-site strategic transport provision, landscaping, infrastructure and utilities.</p> <p>The PP must be updated and submitted with each application for a Certificate of Compliance submitted under this LDO to demonstrate that the appropriate sitewide infrastructure is being delivered as required and/or to reflect a material change in circumstances. The development must be carried out in accordance with the approved PP.</p>	

## 10. Submission Checklist

The following forms, plans and information are mandatory and, where appropriate for the type of development proposed, must be submitted with all applications for a Certificate of Compliance under the Ratcliffe-on-Soar Local Development Order. It is appreciated that in some cases not all requirements will be applicable and if the details are not being provided a reason must be given.

The submission checklist below is intended to be used as a reference for ensuring that all matters are covered when an application is submitted. Clear reasons should be given if any information that is required is not submitted.

Document	Yes	No	Applicant notes (i.e. drawing / document references)
Completed <b>Application Form</b> (Sections 1–12)			
The correct <b>application fee</b>			
<b>Location plan</b> – showing the application site and all adjoining development at a scale of 1:1250 or 1:2500			
<b>Block/layout plans</b> – showing the application site with the proposal coloured or otherwise clearly marked, the direction north, the boundaries (fences/walls etc) to the property, the immediately adjacent properties and any trees, hedges, accesses and parking at a scale of 1:500 or 1:200 with written dimensions, including to the boundaries, positions and spread of trees, the extent and type of hard surfacing and boundary treatment			
<b>Elevations</b> – Where new buildings are proposed, elevation plans showing all proposed elevations of the development, at a scale of 1:50 or 1:100 as appropriate. Critical dimensions should be marked in metric measurements on (i.e. width, length and height to eaves and ridge of building).			
<b>Floor plans</b> – of all floors to a scale of 1:50 or 1:100 as appropriate. Critical dimensions should be marked in metric measurements on (i.e. width, length and height to eaves and ridge of building).			
<b>Finished floor and site levels</b> – Plans and sections through the proposed site and all proposed buildings and through adjacent land and building(s), indicating existing and proposed levels. Including, where necessary, reference to flood levels and impact on floodplain storage and flow paths (see Section 6 of the Flood Risk Assessment supporting the LDO).			
<b>Car Parking</b> – A Car Park layout plan and a Management Note to detail the parking arrangements, type of parking (e.g. cycle parking			

Document	Yes	No	Applicant notes (i.e. drawing / document references)
and storage, car share spaces, disabled access, EV charging and visitor provision). Parking provision must be in accordance with the standards set out in the Transport Assessment prepared to support this LDO.			
<b>Movement Plan/Note</b> – Indicating details of relevant on-site pedestrian and cycle links and facilities, mobility hubs and vehicle share schemes, any proposed PRow diversions.			
<b>Proposed Materials</b> – Schedule of materials to be used cross-referenced to annotated elevation drawings detailing the materials to be used in the construction of the external surfaces of any buildings, Additionally, if requested, including samples to be provided for on-site consideration.			
<b>Detailed Landscaping Drawings</b> – To include details of hard and soft landscaping, including species, numbers and heights of trees, plants and shrubs to be planted, means of enclosure, lighting and external surfacing details. The proposals shall specifically identify any planting provided as BNG mitigation and include details of arrangements for the management and maintenance of the approved landscaping for the lifetime of the development.			
<b>Site Surface Water and Foul Drainage Plan</b> – Showing the extent of drainage infrastructure to be provided and how this complies with the Surface Water Drainage Strategy prepared to support this LDO.			
<b>Utilities Plan</b> – A drawing showing the type and extent of utilities networks and related infrastructure to be provided.			
<b>Protected and/or Invasive Species Survey and Mitigation Measures (if required)</b> – i) A site walkover survey and ii) a detailed site specific survey in the case of any application for a Certificate of Compliance made after a period of 2 years from the date of adoption of the LDO. If protected and/or invasive species are identified, appropriate mitigation measures shall be proposed.			
<p><b>Aerodrome Safeguarding</b> – A report, with reference to appropriate drawings, demonstrating that the development has been designed with regard to the safeguarding requirements of East Midlands Airport, including, where necessary:</p> <ul style="list-style-type: none"> <li>• The scale of development has ensured heights / massing are minimised as far as possible. Construction machinery to be selected to ensure heights are a material consideration.</li> <li>• Lighting during construction and operation is designed (in liaison with East Midlands Airport) to minimise disturbance to aircraft.</li> <li>• Mitigation in terms of planting and ponds (landscape, water, ecology) has been cognisant of not increasing areas of open water that may attract large numbers of birds. A wildlife hazard assessment shall be undertaken at the appropriate</li> </ul>			



Document	Yes	No	Applicant notes (i.e. drawing / document references)
stage of design to fully consider any impact and mitigation requirements. <ul style="list-style-type: none"> <li>Any proposed solar PV installation includes a glint and glare assessment at the appropriate stage of design.</li> </ul>			
<b>Transport and Biodiversity Mitigation Strategy</b> – Report setting out the strategy to progressively deliver all of the mitigation items required for the whole development.			
<b>Mitigation Measures to be delivered as part of the Application</b> (see Section 8 of this Application Form).			
<b>Updated Phasing Plan</b> – as required by condition 11.			
<b>S106 Obligation or Heads of Terms</b> (if appropriate).			
<b>Plot Specific Travel Plan</b> (if required)			

### 11. Application Fee Payment

I/we enclose payment of £.....

### 12. Declaration

I/we hereby apply for a Certificate of Compliance under the Ratcliffe-on-Soar Local Development Order, as described in this Application Form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed – Applicant: .....

Date: .....

Signed – Agent: .....

Date: .....

## Appendix C – Schedule of Mitigation Requirements and Guidance to produce the Transport and Biodiversity Mitigation Strategy

### Mitigation Requirements

The Environmental Impact Assessment, Transport Assessment and other supporting studies have identified mitigation requirements necessary to address the impacts arising from the Development. These are set out in Table C: Schedule of Mitigation Requirements (see below).

Table C also identifies the document in which each of the mitigation requirements should be addressed. It also confirmed when the document shall be submitted relative to the development programme.

As part of the Certificate of Compliance process developers must submit documents, designs and other information to demonstrate how the proposed development provides and/or satisfies these mitigation requirements. In section 8 of the Application Form, developers must also confirm the specific mitigation measures that will be delivered by the proposed development.

Developers are also required to submit a Transport and Biodiversity Mitigation Strategy setting out how the transport and Biodiversity Net Gain (BNG) mitigation requirements for the whole Site will be delivered. Guidance for producing this strategy is provided in the following section.

**Table C: Schedule of Mitigation Requirements**

Document	Mitigation Requirements	Reference	When document provided
<b>Parameter Plans and Design Guide Checklist (Section 7 of form) and Drawings</b>	<ul style="list-style-type: none"> <li>• Avoidance of any impacts to the Scheduled Monument area (Roman Site on Red Hill)</li> <li>• Meet the requirements of the Design Guide.</li> <li>• The Proposed Development will follow the energy hierarchy:               <ul style="list-style-type: none"> <li>○ Use less energy; needing less energy will be prioritised, with a fabric-first approach, and energy saving measures implemented across the Site.</li> <li>○ Improving efficiency; including making use of waste heat available on the Site if available.</li> <li>○ Maximise renewable energy generation.</li> </ul> </li> <li>• External lighting designed to avoid spillage into adjacent habitats.</li> <li>• Light exclusion zones or Variable Lighting Regimes</li> <li>• Suitable measures for the management of newly created and retained habitat areas within the Site and off-site (where applicable).</li> <li>• Landscaping associated with buildings should include species which are nectar rich and attractive to invertebrates.</li> <li>• Co-operation between developers to promote cost-effective sustainable remediation which may be achieved between development plots.</li> <li>• Implementation of a positive drainage system to avoid infiltration.</li> <li>• Inclusion of cycle paths and footpaths within the site to support active travel and leisure and recreation opportunities.</li> <li>• Creating a strong strategic buffer landscape at edges of the site to link the site with its wider landscape and provide visual screening.</li> <li>• Consideration of the use of predominantly muted colours to help tie buildings into the wider landscape.</li> </ul>	Environment Statement Vol 4 Appendix 20-1	With each application for a Certificate of Compliance

Document	Mitigation Requirements	Reference	When document provided
	<ul style="list-style-type: none"> <li>Retention of existing vegetation where possible, including the enhancement of this where appropriate.</li> <li>Provision of additional planting / visual screening to mitigate impacts upon landscape and visual receptors.</li> </ul>		
<b>Transport &amp; Biodiversity Mitigation Strategy</b>	<p><b><u>Transport Mitigation</u></b></p> <ul style="list-style-type: none"> <li>Creating a new pedestrian link from the Site to the eastern side of East Midlands Parkway station</li> <li>Maintaining the rail freight siding on the Site</li> <li>Implement a site shuttle bus to transport people around the Site, connecting with the station and mobility hubs located at the boundary of the Site</li> <li>Working with bus operators to encourage improved public transport; (including the potential to facilitate the Skylink Express, Airway 9 and the MY15 services to stop at the Site)</li> <li>Proposed management and provision of bus services to the Site during the Phasing of the development</li> <li>Providing an on-site shared bike / electric scooter or similar service, allowing people to pick up a bike/scooter near the station and at mobility hubs to access their final destination</li> <li>Contribution to a traffic management study for local roads around Clifton</li> <li>Improving Junction 24 on the M1</li> <li>Improving the western (Parkway) highway access to the Site</li> <li>Improving the West Leake Lane access to formalise the junction.</li> <li>Contribution to cycle improvements for cycle routes accessing the Site</li> </ul>	Transport Assessment and Framework Travel Plan	With each application for a Certificate of Compliance (see LDO condition 5)
	<p><b><u>Biodiversity Net Gain</u></b></p> <ul style="list-style-type: none"> <li>Delivery of the biodiversity units set out in paragraph 3.3 of the LDO</li> </ul>	Environmental Statement	
<b>Code of Construction Practice (CoCP)</b>	<ul style="list-style-type: none"> <li>Dust mitigation measures.</li> <li>Proposed construction working / site hours.</li> <li>Site Waste Management Plan (SWMP) and Materials Management Plan (MMP).</li> <li>Soil Resource Management Plan (SRMP)</li> <li>Programming of site works/vegetation removal with regard to the bird nesting season.</li> <li>Provision of toolbox talks and training to all site personnel prior to construction.</li> <li>Presence and procedures for an Ecological Clerk of Works (ECoW) on Site during implementation of key mitigation measures.</li> <li>Preparation of Method Statement to avoid adversely impacting ecological features on Site.</li> <li>Invasive non-native plant species management plan.</li> <li>Pollution prevention.</li> <li>Measures to minimise potential impacts of additional lighting and noise and vibration during construction.</li> </ul>	Environment Statement Vol 4 Appendix 20-1	Prior to commencement (see LDO condition 7)

Document	Mitigation Requirements	Reference	When document provided
	<ul style="list-style-type: none"> <li>Health and safety training and the provision and use of appropriate personal protective equipment (PPE) for construction personnel.</li> <li>Provision of risk assessments and method statements to be completed as part of the construction process and for future maintenance activities.</li> <li>Trees/vegetation protection measures.</li> <li>The design of hoardings.</li> <li>Stockpile heights for topsoil.</li> <li>Means to minimise noise emissions.</li> <li>A water quality monitoring programme</li> </ul>		
<b>Archaeological Investigations and Archaeological Mitigation Strategy</b> (if required)	<p>An Archaeological Remains Management Plan: Outline Mitigation Strategy (ARMP:OMS)</p> <p>Written Scheme of Investigation; Report on Archaeological Investigations undertaken (If required)</p> <p>Archaeological Mitigation Strategy (if required)</p>	Chapter 8 in Volume 2 of the ES	Prior to commencement (see LDO condition 8)
<b>Local Labour Agreement</b>	A Local Labour Agreement for the construction phase	Chapter 3 in Volume 2 of the ES	Prior to commencement (see LDO condition 9)
<b>Travel Plan</b>	<ul style="list-style-type: none"> <li>Preparation of a Site Wide Travel Plan</li> <li>Appointment of a Travel Plan Coordinator</li> <li>Preparation of a Site Specific Travel Plan</li> </ul>	Site Wide Travel Plan Framework	Prior to occupation (see LDO condition 10)

## Guidance for the production of the Transport and Biodiversity Mitigation Strategy

It is envisaged that the Transport and Biodiversity Net Gain mitigation requirements identified within the Environmental Statement and Transport Assessment will be delivered progressively alongside the development of individual plots and/or infrastructure works. There may also be other mechanisms to deliver some of the mitigation requirements which are not connected directly to Applications for Certificates of Compliance.

To demonstrate that the development of the whole site will deliver all the Transport and Biodiversity Net gain mitigation requirements, developers are required to submit a Transport and Biodiversity Mitigation Strategy with every application for a Certificate of Compliance (see LDO condition 5). This Strategy will provide the Local Planning Authority with assurance that all the required mitigation will be delivered over time. The Strategy must be agreed in writing, prior to the commencement of development.

It is recognised that a developer will only deliver a sub-set of the Transport and Biodiversity Net Gain mitigation requirements with each Application for a Certificate of Compliance. The specific mitigation works to be delivered with each Application should be set out clearly in section 8 of the Application Form. This will allow the Local Planning Authority to monitor the implementation of mitigation.

### Guidance

The guidance set out below is provided to support Developers in preparing the Transport and Biodiversity Mitigation Strategy.

- 1) The Transport and Biodiversity Mitigation Strategy must be in accordance with the requirements of condition 5 of the LDO;

- 2) The Transport and Biodiversity Mitigation Strategy must address all the transport and biodiversity net gain mitigation requirements stated in the Schedule of Mitigation Requirements in Table C (Appendix C);
- 3) The Transport and Biodiversity Mitigation Strategy should set out when, how and by whom the mitigation measures will be delivered over the build-out of the whole Development.
- 4) It is envisaged that the Development will be built out in phases over time. Each phase may also comprise a series of separate “plot developments” and “common infrastructure projects”. The mitigation to be delivered with each separate plot development, infrastructure project or otherwise should be identified. It is understood that there will be greater certainty and definition on the measures to be delivered in earlier phases. The delivery strategy for later phases is likely to be less detailed.
- 5) Mitigation should be delivered progressively alongside development. If practicable and financially viable, the Local Planning Authority encourages mitigation (particularly BNG) to be delivered prior to development being undertaken. Unless there are very extenuating circumstances, it will not be acceptable to leave the majority of mitigation requirements to later phases.
- 6) Some mitigation may be delivered separately to development projects (for example in conjunction with Highway investment programmes). If applicable, this should be identified in Transport and Biodiversity Mitigation Strategy.
- 7) As the development proceeds and mitigation is delivered, the Transport and Biodiversity Mitigation Strategy should be updated accordingly.
- 8) As later phases are confirmed, the approach to delivering mitigation may change. The Transport and Biodiversity Mitigation Strategy should be revised accordingly to capture these changes.
- 9) The strategy shall propose how biodiversity mitigation would be managed and monitored over a minimum period of 25 years.
- 10) If payments are to be made in lieu of delivering mitigation, this shall also be identified.

### ***Reasons for refusal of the Transport and Biodiversity Mitigation Strategy***

The Local Planning Authority may refuse to accept the Transport and Biodiversity Mitigation Strategy if the strategy does not satisfactorily address the points identified above.

If the development proceeds and mitigation is not delivered in accordance with the approved strategy, the Local Planning Authority may require the Strategy to be revised. If the revised Strategy does not provide confidence that the measures will be delivered in a progressive manner, the Local Planning Authority may refuse to accept the revised Strategy.

If the Local Planning Authority does not accept the Transport and Biodiversity Mitigation Strategy submitted with a Compliance Certificate application, the Certificate of Compliance shall not be awarded and development would not be able to proceed.

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