



Council

Thursday, 13 July 2023

Ratcliffe on Soar Local Development Order

Report of the Director – Development and Economic Growth

Cabinet Portfolio Holder for Planning and Housing, Councillor R Upton

1. Purpose of report

- 1.1. The purpose of this report is to seek approval of the Council to adopt the Local Development Order (LDO) for the Ratcliffe on Soar Power Station site. The intention of the LDO is to provide a simplified planning process for subsequent detailed development proposals on the site, the majority of which is a designated Freeport. The LDO would grant planning permission for the site's redevelopment, subject to the conditions applied to the Order and the other provisions contained within it.
- 1.2. The draft LDO was approved by Cabinet on 12 July 2022. In accordance with East Midlands Freeport and East Midlands Development Company aspirations for the site, the LDO would allow for the creation of an industrial park focused on advanced manufacturing, including technology needed to transition to net-zero, green and low-carbon energy generation, and energy storage.
- 1.3. The draft LDO was the subject of consultation between 21 July and 5 September 2022. Following consideration of the consultation comments received, a number of revisions to the draft LDO were published on 15 December 2022 and then consulted on until 19 January 2023. Following consideration of the further consultation comments received, a number of further revisions have been incorporated within the final draft LDO.

2. Recommendation

It is RECOMMENDED that Council:

- a) notes the consultation representations received on the draft Local Development Order;
- b) notes the environmental information and the conclusions reached on the significant effects of the proposed development on the environment as required by Regulation 26(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended);
- c) endorses the Ratcliffe on Soar Local Development Order Documents and Supporting Documents; and

- d) adopts the Ratcliffe on Soar Local Development Order in accordance with Schedule 4A(3) of the Town and Country Planning Act 1990 (as amended).

3. Reasons for Recommendation

- 3.1. The Cabinet in November 2021 agreed that a Local Development Order (LDO) for the Ratcliffe on Soar Power Station site should be prepared. It was also agreed that any decision to approve the LDO should be taken by Full Council.
- 3.2. It is considered that the development proposals set out within the LDO for the Ratcliffe on Soar Power Station site are justified and the LDO is in a suitable position to be adopted.

4. Supporting Information

Background and LDO process

- 4.1. The Cabinet in November 2021 agreed that a Local Development Order (LDO) for the Ratcliffe on Soar Power Station site should be prepared. The justification for and benefits of preparing an LDO were set out in the report considered by the Cabinet in taking that decision. It was also decided by Cabinet that the Council should work with the site owner (Uniper) in preparing a draft of the LDO. The LDO would grant planning permission for the site's development in accordance with the conditions applied to the Order and the other provisions contained within it. In accordance with East Midlands Freeport and East Midlands Development Company aspirations for the site, the LDO would allow for the creation of an industrial park focused on advanced manufacturing, including technology needed to transition to net-zero, green and low-carbon energy generation, and energy storage.
- 4.2. The majority of the Ratcliffe on Soar site is designated as part of the East Midlands Freeport – a national government initiative and a key component of the UK government's "Levelling Up" agenda. The full business case (FBC) for the Freeport identifies that it is expected that economic activity on the site will primarily be focussed within the advanced manufacturing and logistics sectors with a particular focus on decarbonised technology and on developing related low carbon energy infrastructure on site. The FBC also identifies that it is expected that build out of the site would need to begin during 2023. This is to allow sufficient time to enable relevant new businesses to be up and running by 30 September 2026, which is the final date to be operational in order to qualify for full Freeport benefits. The Freeport came into operation on 30 March 2023.
- 4.3. In terms of the approval process for the LDO, the key decision making points are to agree the draft LDO and to adopt the final LDO, with legislation requiring that an LDO is adopted by resolution of the Local Planning Authority. It was decided by Cabinet in November 2021 that it would take the decision to approve the draft LDO and the decision to adopt the LDO would be taken by Full Council. The Cabinet also agreed that, in the lead up to decision-making, the Local Development Framework (LDF) Group would consider and make recommendations in respect of the draft LDO.

- 4.4. Since November 2021, work has been ongoing to prepare a final draft LDO. This included non-statutory public consultation on initial proposals for the site, which was undertaken between 29 November 2021 and 10 January 2022, and then preparation of a draft LDO during the first half of 2022. The draft LDO was approved by Cabinet on 12 July 2022, and it was then the subject of consultation between 21 July and 5 September 2022. Following consideration of the consultation comments received, a number of revisions to the draft LDO were published on 15 December and then consulted on until 19 January 2023. Finally, following consideration of the comments received in response to this consultation, a number of further revisions have been incorporated into the final draft LDO.
- 4.5. The LDO preparation process has, on a number of occasions, involved consideration by the cross party Local Development Framework (LDF) Group of the proposals for the site and the various draft LDO documents and recommendations made have been incorporated within the draft LDO. The LDF Group most recently considered the final draft LDO documents at a meeting on 20 June 2023, at which, the majority of the Group supported the final revisions to the LDO and recommended that the Council should adopt the LDO.

LDO objectives and vision

- 4.6. The defined objectives of the LDO are:
- 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;
 - 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, which will be considered on a case by case basis;
 - To support transition of employment and generate an estimated 7,000 to 8,000 highly skilled and high-value jobs based around advanced manufacturing and energy uses;
 - To provide planning certainty for the site, which will support the regional and national transition to a low-carbon future; and
 - 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 Borough.
- 4.7. The vision of the LDO for the site is, in summary, to be a catalyst for growth in the Borough and region for inward investment to enable the site of strategic importance to become a centre for low-carbon energy generation and storage uses that are efficient in their use of energy. To provide facilities for advanced manufacturing, including technologies needed to transition to net zero, and that provide research and/or training facilities for innovation of technologies needed to transition to net zero.

- 4.8. The LDO protects against speculative planning applications coming forward that are not aligned with this vision as set out.

Components of the LDO

- 4.9. The documents that form and support the LDO are summarised in Table 1 below. A full list of all the LDO Documents and LDO Supporting Documents is at Appendix A of the LDO and Statement of Reasons document (which is at Appendix 1 to this report).

Table 1: LDO Document and Supporting Documents

Document/plan	Summary of purpose	Location of document
Local Development Order and Statement of Reasons	It establishes the development permitted by the LDO, the conditions attached to the permitted development, the procedure to approve detailed development schemes and then sets out the reasons for the LDO.	Appendix 1 to this report
Parameter Plans and Design Guide	They together establish the spatial arrangement for development within the site and set design criteria which development proposals will need to follow.	Parameter plans – Appendix 2 to this report Design Guide – Appendix 3 to this report
Illustrative Masterplan and other illustrative plans	The plans show a potential development scenario which complies with the parameters, and illustratively identifies development quantum and site phasing.	Appendix 4 to this report
Other 'existing plans'	Supporting plans showing details including the boundary of the Freeport and site topography	Appendix 5 to this report
Environmental Statement (ES) - Assessment chapters - Technical appendices - Non-technical summary	The ES reports on the Environmental Impact Assessment outcomes and mitigation measures. The environmental matters assessed include: agricultural land and soils; air quality; archaeology and built heritage; climate change and	Background documents

Document/plan	Summary of purpose	Location of document
	greenhouse gases; ecology; ground conditions; human health; landscape; materials and waste; noise and vibration; socio-economics; traffic and transport; water environment and in-combination and cumulative effects.	
<p>Transport Assessment (TA)</p> <p>Site Wide Travel Plan Framework (SWTPF)</p>	<p>The TA reports on the transport impacts of the proposed development and identifies potential mitigation measures.</p> <p>The SWTPF identifies site-wide measures that will be implemented to promote sustainable travel for the proposals.</p>	<p>Background documents</p> <p>Appendix 6</p>
<p>Technical Reports (Flood Risk Assessment, Surface Water Drainage Strategy; Utilities Strategy Report; Energy Strategy; and Arboriculture Survey)</p>	<p>The technical reports cover flood risk matters, a review of existing drainage infrastructure and surface water management, an assessment of existing utilities supplies, how development can satisfy sustainability and low-carbon related, and an impact assessment on the existing tree stock and outline mitigation measures.</p>	<p>Background documents</p>
<p>Statement of Community Involvement (SCI) and SCI addendums</p>	<p>The report on the consultations undertaken related to preparation of the LDO involving the general public and stakeholders and the Council's responses to the various points raised by the consultees.</p>	<p>SCI – Appendix 7 to this report</p> <p>SCI First Addendum – Appendix 8 to this report</p> <p>SCI Second Addendum – Appendix 10 to this report</p>

4.10. While the LDO is intended to permit particular types of development without requiring a full planning application process, all development proposals will be

judged against their compliance with the LDO documents before determining whether the LDO applies and if development is permitted under this process. Clearly then the documents of the LDO, whilst needing to deliver on the incentive to occupiers to provide a flexible planning process, also need to provide an important control against any inappropriate or unacceptable development.

LDO and description of the proposed development

- 4.11. The final draft LDO and Statement of Reasons document is at Appendix 1. This version incorporates revisions arising, firstly, from the July 2022 to September 2022 consultation (which were published on 15 December 2022 and then consulted on until 19 January 2023) and, secondly, a number of further revisions proposed in order to address matters arising from the second consultation. It should be noted that, in certain cases, some of these more recent revisions supersede those published previously on 15 December 2022.
- 4.12. The document is split into two main parts. The first part (chapters 2, 3 and 4) establishes what development would be permitted by the LDO, the conditions attached to the LDO, what mitigation would be required to address any potential adverse effects of the proposed development and the procedure, which would need to be followed in order for it to be confirmed that a development proposal would be in conformity with the LDO. The second part of the document (chapters 5, 6 and 7) sets out the context for the LDO and the reasons and justification for establishing the LDO, including to support delivery of the East Midlands Freepport.
- 4.13. The first section of chapter 2 (section 2.1) establishes the proposed extent of the LDO boundary (as set out at Figure 1 of the LDO and Statement of Reasons), with the site comprising approximately 265 hectares of land extending north (155 hectares) and south (110 hectares) of the A453.
- 4.14. At section 2.2, there is a description of the proposed development. The LDO would grant planning permission for:
- “New development comprising
- i) the erection of buildings up to a maximum gross floor area (GFA) of 810,000 m² 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 m² (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 (on land unsuitable for development).

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.”

LDO Parameters and Design Guide

4.15. Section 2.3 then explains that the proposed development is defined by the above description, the LDO Parameter Plans (Appendix 2 to this report) and the Design Guide (Appendix 3 to this report), which together set out the acceptable location and distribution of development across the site. The following parameter 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: 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;
 - Site Sections; and
 - Potential Gypsum Resource Area.
- 4.16. The Design Guide is intended to inform and support the process of preparing an Application for a Certificate of Compliance under the LDO (the process for which is set out at Section 4 of the LDO and Statement of Reasons). It sets out broad Design Principles that would be applied by the Council when assessing compliance applications and would 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 place making, ensure that the development is an attractive place to work, and responds positively to its surrounding landscape and nearby communities.
- 4.17. The Design Guide also includes two illustrative masterplans for the site in order to demonstrate how developments could come forward as a series of plots in accordance with the parameters and design principles set out in the Design Guide and the accompanying LDO plans and documents.
- 4.18. The first of the two illustrative masterplans is available as a separate illustrative plan, along with a second plan which shows, for this illustrative layout, the indicative land use types, and gross floor area data, and a third plan showing the likely phasing of development for broad areas of the site (see Appendix 4 to this report). Also available are supporting plans showing the location of the site, the proposed LDO boundary, the extent of the Freeport boundary, an existing site layout plan and a plan showing the existing site's topography (see Appendix 5 to this report).

Development permitted by the LDO

- 4.19. Section 2.4 of the LDO and Statement of Reasons document sets out that the provisions of the LDO would remain in force for 25 years, subject to the powers that both the Secretary of State and the Council have to be able to revoke or modify the LDO at any point.
- 4.20. It is identified within Table 1 at section 2.4 which specific uses would be permitted by the LDO, limitations on those uses (including permitted future changes) and indicative uses. These uses are subject to the Permitted Uses Parameter Plan and Design Principle LU 3 in the Design Guide, which set out where specified uses can be located across the site. Certain uses are restricted to particular areas of the site; for example, logistics development is not allowed on the site's southern area.
- 4.21. Section 2.4 establishes that the LDO Design Guide includes design principles and a set of characteristics that proposed development must accord with in

order to be acceptable under the terms of the LDO. This includes a requirement that development on the northern area of the site should meet at least one of seven defined characteristics and development on the southern area meets either the first or second of these characteristics. The characteristics are defined in Table 2 below.

Table 2: Characteristics of acceptable uses

Characteristics of acceptable uses
1. Advanced manufacturing producing technology or using technology to deliver the net-zero transition
2. Produce, store and manage low-carbon and green energy
3. Provide high-quality employment, well paid, highly skilled jobs
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
7. Provide complementary services primarily to support the occupiers of the Site

LDO conditions and mitigation requirements

- 4.22. At section 3.1, there are a number of planning conditions which are intended to ensure that development permitted by the LDO is acceptable in planning and procedural terms. The first condition includes the requirement for the Council to review the LDO progress on its third anniversary and at five yearly intervals thereafter, in order to be able to fully assess the suitability of the LDO in the light of any changes to planning policy and market conditions. In completing the review process, the Council would determine whether to: retain the LDO as it stands for the remaining years of its life; to retain the LDO but revise some elements/provisions of the LDO; or to revoke and cancel the LDO. It should; however, be noted that the Council would still retain the power to review, revise or revoke the LDO at any time.
- 4.23. The conditions complement and sit alongside a 'Schedule of Mitigation Requirements' which would be integral to the process for confirming that a development proposal complies with the LDO and is acceptable in planning terms, and which has been informed by the findings of the Environmental Statement and the Transport Assessment. This schedule and the identified mitigation requirements are included at Appendix C of the LDO and Statement of Reasons document.
- 4.24. The alignment of the Environmental Statement (ES), Transport Assessment (TA) and Schedule of Mitigation Requirements is described at section 3.2. The ES identifies the potential environmental effects arising from the proposed

development that should be mitigated as part of any development permitted by the LDO and, similarly, the TA identifies mitigation measures necessary to address potential transport effects arising from the development. Section 3.2 also identifies how procedurally these mitigation measures would be secured (e.g. through relevant conditions applied to approved Certificates of Compliance).

- 4.25. The provision of Biodiversity Net Gain (BNG) is one aspect of the mitigation measures, and it is proposed that development permitted by the LDO achieves a minimum of 10% BNG. Section 3.3 sets out details of how much BNG is required to achieve this minimum 10% target and the broad approach as to how BNG will be delivered through on-site and, potentially, off-site provision.
- 4.26. Within section 3.4, the LDO and Statement of Reasons identifies how measures to fully mitigate the impacts of development may be delivered. It is proposed that mitigation requirements can be delivered in a number of ways and the LDO is not prescriptive in this regard; with examples of potential different delivery mechanisms being set out within section 3.4 of the document. 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 relevant local authority or via the East Midlands Freeport or the East Midlands Development Company using public monies allocated to bring forward development or infrastructure (for example, Freeport seed capital funding and/or retained business 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. A Transport and Biodiversity Mitigation Strategy has to be prepared and then kept updated which would set out proposals for how and when the relevant mitigation measures will be delivered. The LDO enables developers to offer, where appropriate, a Section 106 planning obligation or undertaking with an application for a Certificate of Compliance as a mechanism to secure the delivery of off-site mitigation that the developer proposes to provide. Potential items covered by a Section 106 include transport infrastructure (including footpaths, bridleways, cycleways, and roads).
- 4.27. Section 3.5 identifies the provisions that are included within the LDO to allow time for those with a commercial interest to establish whether the gypsum can be extracted on an economically viable basis and, if so, to submit an appropriate planning application for such extraction. If the planning application is approved by Nottinghamshire County Council as the Minerals Planning Authority, then further time is allowed to cover a period of extraction. These provisions would apply to the area defined by the ‘Potential Gypsum Resource Area’ Parameter Plan (see Appendix 2).

Procedure for preparing and determining detailed proposals

- 4.28. There are, at sections 4.1 to 4.4 of the LDO and Statements of Reasons document, proposed procedures that potential occupiers and developers wishing to undertake LDO permitted development on the site would have to follow in order to confirm that their proposed development meets the requirements of the LDO. This includes the need to complete an application

form for a 'Certificate of Compliance'. A flow chart setting out the proposed indicative process for the preparation and submission of a Certificate of Compliance Application is provided at section 4.4. Appendix B of the LDO and Statement of Reasons document, which includes further details in respect of the Application for a Certificate of Compliance process and a draft of the application form that would need to be submitted as part of a compliance submission.

- 4.29. The draft LDO identifies, at section 4.3, that the determination and delegation procedure for confirming compliance will follow the process as set out in the Council's constitution. The details of this process and the relevant proposed changes to the constitution are the subject of a separate meeting agenda item.

The context and reasons for the LDO

- 4.30. The second part of the final draft document (chapters 5, 6 and 7) sets out the context for the LDO, including the legislative context and summary of the statutory consultation undertaken, and the reasons for establishing the LDO, including to support delivery of the East Midlands Freeport. At section 7.4 of the LDO and Statement of Reasons, the planning context for the proposed development is outlined in full.

Green Belt and very special circumstances for development

- 4.31. Importantly, because all of the site is located within the Nottingham-Derby Green Belt, included within section 7.5 is a Green Belt Assessment, which includes consideration as to whether 'very special circumstances' exist to justify the proposed development. The reason that 'very special circumstances' needs to be demonstrated is explained at section 7.5 under the sub-section titled 'Green Belt Policy Overview'. There then follows a detailed assessment of the factors that have been taken into account in considering whether 'very special circumstances' exist and then, ultimately, coming to the conclusion that they do exist to justify the proposed development as set out within the draft LDO. In summary, it is considered that the considerable benefits of the proposed development, as identified within the Statement of Reasons, 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

Environmental Impact Assessment (EIA)

- 4.32. At section 7.6 is a summary of the outcomes of the Environmental Impact Assessment (EIA), that has been undertaken in order to assess the likely effects of the proposed development and to identify the mitigation measures required to make the development acceptable. The Environmental Statement (ES) (plus its addendum and the further EIA information submitted in respect of demolition of the power station) describe in detail the technical findings of the EIA, and the likely significant environmental effects, both beneficial and adverse, and the means to avoid or reduce any adverse effects. The design process and EIA have been undertaken in part to avoid or reduce potential negative environmental effects and to also identify and promote positive effects.

- 4.33. The Town and Country Planning (EIA) Regulations 2017 (as amended) require that when determining an LDO for which an ES has been submitted there must be: an examination of the environmental information; a reasoned conclusion on the significant effects of the proposed development on the environment; integration of that conclusion into the decision to grant planning permission; and in granting planning permission consider whether it is appropriate to impose monitoring measures. These requirements are dealt with by the LDO and Statement of Reasons (Appendix 1 to this report) and this report.
- 4.34. The ES reports that the proposed development would have some significant environmental effects, both beneficial and adverse. Where adverse effects are identified a number of mitigation measures are identified to avoid or reduce those effects. The relevant mitigation and monitoring requirements arising from the information set out in the ES are, principally, listed within Appendix C of the LDO and Statement of Reasons and also, in certain cases, are incorporated within the LDO's conditions (section 3 of the document). The identified mitigation and monitoring measures are deemed appropriate and necessary for the development and would, following adoption of the LDO, be required alongside the delivery of relevant LDO compliant development proposals.
- 4.35. Overall, the proposed development would bring significant measurable economic, social, and environmental public benefits that accord with the overarching objectives for sustainable development set out in the National Planning Policy Framework. The balance of these benefits is considered to weigh in favour of adopting the LDO, outweighing any residual harm that the proposed development would cause.

Transport Assessment

- 4.36. At section 7.7 of the LDO and Statement of Reasons, there is a summary of the outcomes of the Transport Assessment (TA) that has been prepared to support LDO preparation, reporting on the transport impacts of the proposed development and considering appropriate mitigation measures. The TA identifies the general approach to the mitigation of transport impacts, which is to build on the existing public transport infrastructure and services provided by East Midlands Parkway railway station, local bus routes and the Nottingham Express Transit (NET). In addition, key highway constraints would be 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 LDO and Statement of Reasons sets out those measures considered appropriate to mitigate for the transport impacts of the development, as identified in the TA and in response to consultation feedback (including since the TA was prepared), which includes the requirement to identify and implement a package of highway mitigation measures that are agreed with National Highways and the relevant local highway authorities. The TA and ES have not identified any issues relating to transport that mean it would be unacceptable in planning terms to adopt the LDO. The methodology and outcomes of the TA have been agreed by National Highways and the Local Highway Authority.

Other technical matters

- 4.37. The various other technical studies and assessments, which have been prepared to support the LDO are available as background documents (see below 'Background papers available for Inspection' for further details). This includes a Flood Risk Assessment, which demonstrates that the site is safe to develop in terms of flood risk and development would not increase flood risk elsewhere; a Surface Water Drainage Strategy, which provides a review of the existing surface water drainage infrastructure on the site, and a proposed outline strategy for satisfactorily managing surface water on the proposed development; a Utilities Strategy Report, which presents an assessment of the existing utility supplies available at the site; an Energy Strategy, which identifies how the energy requirements for the proposed development can satisfy sustainability and low-carbon related policy; and an Arboriculture Survey, which assesses the impact of the proposed development on the existing tree stock and outlines mitigation actions, where appropriate, to minimise any potential damage to retained trees.

Consultation and revisions to the LDO

- 4.38. It is a requirement that draft LDOs are the subject of statutory consultation by the Local Planning Authority. Consultation on the draft LDO and supporting documents took place between 21 July 2022 and 5 September 2022 and around 110 responses were received from statutory bodies, other organisations, and members of the public. The SCI Addendum (Appendix 8 to this report) provides a summary of the consultation comments received. The document at Appendix 9 also provides a summary of the main issues raised by consultees in response to this consultation, which can be grouped into the following key themes:

- Ecology and Biodiversity;
- Green Belt;
- The Southern Area;
- Building Heights and Visual Impact;
- Strategic Road Network and Public Transport;
- Local Roads;
- HS2;
- Connectivity and Public Rights of Way;
- Site Uses and Alternative Uses;
- EMERGE Centre;
- Extending Power Generation and Energy Security;
- Minerals – Fly Ash; and
- Decision Making Process for Certificate of Compliance Applications.

- 4.39. Following consideration of the consultation comments received, a number of revisions to the draft LDO were published on 15 December 2022 and then consulted on until 19 January 2023. The SCI Addendum (Appendix 8) provides a proposed response to the various matters raised by consultees, including identifying where revisions to the LDO are proposed as a consequence. Additionally, the document at Appendix 9 summarises and provides justification

for the proposed revisions that were published in December 2022. In summary, the main revisions made at that stage include:

- LDO condition 6 was changed to limit the quantum of development which can come forward before highway mitigation is implemented and to support securing a holistic transport solution which can serve the needs of the development and of all known or committed development at that time, including HS2 (change to LDO and Statement of Reasons);
- LDO Condition 10 was revised to add a requirement for a Public Transport Strategy to be submitted for approval (change to LDO and Statement of Reasons);
- To require development to not compromise the integrity of the highway (change to LDO and Statement of Reasons);
- To more explicitly require development to be integrated with public transport services (change to Design Guide);
- To require a contribution to a traffic management study for local roads around Ratcliffe-on-Soar, East and West Leake and Kingston-on-Soar (including Kegworth Road, Gotham Road and West Leake Lane) and implementation of proposed recommendations (change to LDO and Statement of Reasons);
- To explicitly require a contribution to cycle and footway improvements for cycle and footway routes accessing the site and East Midlands Parkway station (change to LDO and Statement of Reasons);
- To emphasise that the entrance space from East Midlands Parkway station should be designed to be welcoming for pedestrians and cyclists, and routes between the station and the development should be clear and legible (change to Design Guide);
- The required characteristics of development on the site's southern area (south of the A453) were restricted to specifically only allow low carbon energy production and storage or manufacturing uses delivering the net zero transition (changes to Design Guide and Permitted Uses Parameter Plan);
- To establish a general height limit of 30 metres across the development plot on the southern area but with allowance for buildings across a maximum of 20% of this area to extend up to 40 metres in height if shown to be operationally necessary (changes to Building Heights Parameter Plan and Design Guide);
- To maximise the potential to include green roofs, or solar PV (change to Design Guide);
- To more clearly set out the hierarchy for delivery of Biodiversity Net Gain, with provision on or near the site as a first option (changes to LDO and Statement of Reasons);
- To emphasise that the development in plots E and J should comprise a campus style development with enhanced public realm and additional east-west routes and public realm in these plots (changes to Design Guide and Access and Circulation Parameters Plan); and
- Addition of a condition to require submission of a fly-ash strategy in order to demonstrate that any development is undertaken in a way that utilises as much of this resource as is reasonably practicable and viable, in the best and most sustainable manner (change to LDO and Statement of Reasons).

4.40. These various revisions were consulted on between 15 December 2022 and 19 January 2023 and around 80 responses were received from statutory bodies, other organisations, and members of the public. The SCI Second Addendum (Appendix 10) provides a summary of the consultation comments received. The main issues raised by consultees which related specifically to the proposed revisions, or which were entirely new issues, that had not been raised previously by consultees, concerned the following topic areas:

- Transport and highways;
- Building heights;
- Gypsum reserves;
- Biodiversity Net Gain; and
- Site Security.

4.41. Following consideration of the consultation comments received, a number of further revisions have been included within the final draft LDO. The SCI Second Addendum (Appendix 10) provides a response to the various matters raised by consultees, including to identify and justify where further revisions to the LDO are proposed as a consequence. It should be noted that some of these later revisions supersede some of those published earlier in December 2022 – for example, the revisions to LDO condition 6. In summary, the main revisions made at this later stage include:

- Revisions to LDO condition 6 to limit the quantum of development which can come forward before highway mitigation is implemented and to support the delivery of a holistic transport solution which can serve the needs of the development and of all known or committed development at that time, including HS2 (change to LDO and Statement of Reasons);
- Condition 7 has been revised to ensure that a Construction Traffic Management Plan is included as part of any Code of Construction Practice (CoCP). A CoCP is required to control and mitigate impacts from construction and the revision clarifies the relationship between this condition and condition 6 (change to LDO and Statement of Reasons);
- Revisions to condition 10 to rename the “Public Transport Strategy” as the “Sustainable Transport Strategy” and to expand its remit to include “walking, wheeling and cycling infrastructure” (change to LDO and Statement of Reasons);
- To add a new condition to reinforce the requirement for a safeguarding report for the public highway (LDO and Statement of Reasons);
- To add more specific details in the Site Wide Travel Plan Framework (Appendix 6 to this report);
- To add a new condition and a ‘Potential Gypsum Resource Area Parameter Plan’ to allow for investigation into the economic viability of extracting gypsum within the area specified and to ensure that any reserves that can be extracted economically within a reasonable timeframe are able to be extracted in such a way as to not prejudice delivery of the LDO (LDO and Statement of Reasons and new Potential Gypsum Resource Area Parameter Plan); and

- To make explicit the requirement to take account of the recommendations of the Nottingham Police Counter Terrorist Security Advisors in respect of Certificate of Compliance applications (Design Guide).
- 4.42. The drafting of both the highway and transport related revisions and the revision concerning gypsum resources were the subject of further engagement with relevant technical consultees (including National Highways, the local highway authorities, and Nottinghamshire County Council) which followed after the end of the consultation period. Appended to the SCI Second Addendum (Appendix 10 of this report) are two technical notes and further comments from National Highways which help to explain and justify the highway and transport revisions. The SCI Second Addendum also addresses residual objections by consultees on highway and transport grounds. In summary, it is considered that the LDO's conditions as now drafted, and agreed by National Highways, would prevent unacceptable road safety impacts or severe impacts on the operation of the highway.

Conclusions and adoption of the LDO

- 4.43. Uniper has actively and proactively worked with the Council to bring forward a vision to meet the levelling up agenda for the East Midlands, to kickstart inward investment in the Borough and to support the green economy and local skilled jobs. The LDO enables the Freeport to meet its objectives, one of which is retention of business rates to reinvest locally into infrastructure and the road network improvements. Without the LDO, these objectives will be put at risk, particularly the likelihood of meeting the timescales expected for Freeport delivery. In addition, without the LDO in place, the Borough Council would be open to receiving speculative planning applications that could be difficult to resist.
- 4.44. It is on the basis of those reasons set out in Part 2 of the LDO and Statement of Reasons (Appendix 1) in particular that it is considered that the development proposals for the Ratcliffe on Soar Power Station site, as specified by the draft LDO, are justified and that it has been demonstrated that the likely effects of development will be acceptable, subject to the conditions and required mitigation measures set out within the LDO. The technical work underpinning preparation of the LDO, including the Environmental Impact Assessment and Transport Assessment, supports the conclusion that it would be acceptable in planning terms to adopt the LDO.
- 4.45. The proposed development would bring significant economic, social, and environmental public benefits that accord with the overarching objectives for sustainable development set out in the National Planning Policy Framework. The balance of these benefits is considered to weigh in favour of adopting the LDO, outweighing any residual environmental or other harm that the proposed development would likely cause. It has been demonstrated that the considerable benefits of the proposed development 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, to the extent that 'very special circumstances' have been demonstrated to exist in support of development.

- 4.46. Since its approval by Cabinet on 12 July 2022, the draft LDO has been the subject of two rounds of public consultation. All consultation comments received have been duly considered and, in light of them, suitable revisions have been included within the final draft LDO where it has been judged that these revisions are justified on planning grounds. A summary of the consultation comments received and responses to the various issues raised are set out in Appendices 7, 8, 9 and 10. This includes those points made by consultees which are not accepted, and justification is provided as to why not. In those cases where objections to the LDO and its proposals for development on the Ratcliffe on Soar site remain, it is considered that there are no planning objections that would outweigh the positive benefits arising from the development.
- 4.47. The preparation of the LDO has been the subject of scrutiny by planning officers within the Council's Development Management (Planning and Growth) team, who have not been directly involved in drafting the LDO. A report has been prepared which details the conclusions reached as part of this scrutiny process (which is at Appendix 11). In summary, the conclusion of this scrutiny process is that in the making of the LDO relevant legislation and guidance has been complied with, and the assessment of the planning matters as part of the consideration of the LDO have been appropriately assessed and shown to be acceptable.
- 4.48. Overall, therefore, it is considered that the draft LDO is in a position where it is suitable for adoption.

5. Alternative options considered and reasons for rejection

The Council could choose to take a more reactive approach to the redevelopment/regeneration of the Ratcliffe on Soar Power Station site and not prepare an LDO. However, the site is significant in size and location and there are time factors to consider such as the potential impact of the Freeport over the next five years, and the timing of the end of coal-powered electricity production. The Council could choose to leave consideration of the site's suitability for new development to the Local Plan process; however, this is not likely to be timely enough for the Freeport process or prevent the submission of speculative applications, such as for logistics development. The LDO route would provide the Council with more control over shaping the future use of the site. It should also help to ensure the delivery of relevant development by the end of September 2026, which is the final date for businesses to be operational in order to qualify for the full benefits of being part of the East Midlands Freeport.

6. Risks and Uncertainties

- 6.1. There is a risk that the Ratcliffe on Soar Power Station site remains undeveloped following its decommissioning; however, preparation of an LDO to facilitate the delivery of development in accordance with Freeport objectives should help to mitigate this risk.
- 6.2. Not approving the LDO could limit the Borough Council's ability to take a leading role in the planned and comprehensive development of the site and weaken the

prospect for uses that support the green economy, technology and innovation in the green economy and skilled jobs.

7. Implications

7.1. Financial Implications

7.1.1. There have been financial costs associated with the work required to prepare the LDO. The final costs of preparing the LDO are likely to be relatively high given the complexity of the development proposal, but most of this is associated with the preparation of supporting technical evidence, which the site owners, Uniper, have appointed consultants and are paying them to undertake. Council officer time has been required to support the various stages of preparation, which is currently contained within existing resources. The Council has however, secured a payment from Uniper for it to cover reasonable financial costs, which largely offsets the loss of the planning application fee.

7.1.2. There is also scope to mitigate the costs of LDO preparation and implementation, at least in part, by charging a fee for submissions seeking conformity with the LDO and its conditions. It is proposed that there is a fee for such compliance applications, and it should be based on the equivalent nationally set fees for Approval of Reserved Matters applications.

7.1.3. Delays adopting the LDO will impact on businesses located within the Freeport zone realising the full benefits of five years' business rates relief if not billed by September 2026.

7.2 Legal Implications

Local Planning Authorities (LPAs) can grant planning permission for development specified in an LDO. The legislative procedures that must be followed in order to bring forward and adopt an LDO are set out in Sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and Articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Schedule 4A(3) of the 1990 Act specifies that an LDO is of no effect unless it is adopted by resolution of the LPA. Where an LDO proposes development for which an Environmental Impact Assessment (EIA) is applicable, the Town and Country Planning (EIA) Regulations 2017 (as amended) apply, most specifically Regulation 32.

7.3 Equalities Implications

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

7.4 Section 17 of the Crime and Disorder Act 1998 Implications

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

8. Link to Corporate Priorities

Quality of Life	The development of the Ratcliffe on Soar Power station site has the potential to benefit local residents' quality of life through the provision of new jobs and improved infrastructure, including blue and green infrastructure.
Efficient Services	The adoption of an LDO will streamline the decision making process through the approval of Certificates of Compliance that comply with the LDO, rather than individual planning applications.
Sustainable Growth	The development of the Ratcliffe site through an LDO could attract a significant number of new businesses and jobs. The order would need to set appropriate parameters and conditions to ensure that development is acceptable in planning and sustainability terms.
The Environment	<p>The vision for the Ratcliffe on Soar Power Station site is to move towards becoming a zero-carbon technology and energy hub for the East Midlands. The emerging plans for the site have the potential to create jobs based around modern industrial and manufacturing uses, with sustainable onsite energy generation providing a local source of low carbon heat and power.</p> <p>The LDO includes a requirement that development achieves a minimum 10% biodiversity net-gain.</p>

9. Recommendation

It is RECOMMENDED that Council:

- a) notes the consultation representations received on the draft Local Development Order;
- b) notes the environmental information and the conclusions reached on the significant effects of the proposed development on the environment as required by Regulation 26(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended);
- c) endorses the Ratcliffe on Soar Local Development Order Documents and Supporting Documents; and

- d) adopts the Ratcliffe on Soar Local Development Order in accordance with Schedule 4A(3) of the Town and Country Planning Act 1990 (as amended).

<p>For more information contact:</p>	<p>Leanne Ashmore Director - Development and Economic Growth 0115 914 8578 lashmore@rushcliffe.gov.uk</p>
<p>Background papers available for Inspection:</p>	<p>The LDO Supporting Documents and other relevant publicly available documents for preparation of the LDO https://planningon-line.rushcliffe.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=REUKMZNL0CB00</p> <ol style="list-style-type: none"> 1. Draft Ratcliffe on Soar Local Development Order Environmental Statement (July 2022) 2. Draft Ratcliffe on Soar Local Development Order Environmental Statement Addendum (September 2022) 3. Draft Ratcliffe on Soar Local Development Order Environmental Statement Regulation 25 Further Information Demolition Appraisal (September 2022) 4. Draft Ratcliffe on Soar Local Development Order Transport Assessment (July 2022) 5. Draft Ratcliffe on Soar Local Development Order Flood Risk Assessment (July 2022) 6. Draft Ratcliffe on Soar Local Development Order Assessment Surface Water Drainage Strategy (July 2022) 7. Draft Ratcliffe on Soar Local Development Order Utilities Strategy Report (July 2022) 8. Draft Ratcliffe on Soar Local Development Order Energy Strategy (July 2022) 9. Draft Ratcliffe on Soar Local Development Order Arboriculture Survey and Impact Assessment (July 2022)
<p>List of appendices:</p>	<p>Appendix 1: Draft Ratcliffe-on-Soar Local Development Order and Statement of Reasons (July 2023)</p> <p>Appendix 2: Draft Ratcliffe on Soar Local Development Order Parameter Plans(July 2023)</p>

	Appendix 3: Draft Ratcliffe on Soar Local Development Order Design Guide (July 2023)
	Appendix 4: Draft Ratcliffe on Soar Local Development Order Illustrative Plans (July 2023)
	Appendix 5: Draft Ratcliffe on Soar Local Development Order Existing Plans (July 2023)
	Appendix 6: Draft Ratcliffe on Soar Local Development Order Site Wide Travel Plan Framework (July 2023)
	Appendix 7: Draft Ratcliffe on Soar Local Development Order Statement of Community Involvement (July 2023)
	Appendix 8: Draft Ratcliffe on Soar Local Development Order Statement of Community Involvement Addendum (July 2023)
	Appendix 9 Draft Ratcliffe on Soar Local Development Order Summary of Themes Raised from July to September 2022 consultation (July 2023)
	Appendix 10: Statement of Community Involvement Second Addendum (July 2023)
	Appendix 11: Development Management Scrutiny Report