

**Appendix 9 Draft Ratcliffe on Soar Local Development
Order Summary of Themes Raised from July
to September 2022 consultation (July 2023)**

RATCLIFFE-ON-SOAR LOCAL DEVELOPMENT ORDER



SUMMARY OF THEMES RAISED FROM CONSULTATION

JULY 2023

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

Ratcliffe-on-Soar Local Development Order

Summary of main matters raised by statutory and non-statutory consultees and proposed responses

Contents

1.	Introduction.....	1
2.	Ecology and Biodiversity.....	2
3.	Green Belt.....	3
4.	The Southern Area.....	5
5.	Building Heights and Visual Impact.....	6
6.	Strategic Road Network and Public Transport.....	8
7.	Local Roads.....	9
8.	HS2.....	11
9.	Connectivity and Public Rights of Way.....	13
10.	Site Uses and Alternative Uses.....	15
11.	EMERGE Centre.....	16
12.	Extending Power Generation and Energy Security.....	16
13.	Minerals and Waste.....	17
14.	Decision Making Process.....	19

1. Introduction

Following publication of the draft Ratcliffe-on-Soar Local Development Order (LDO) in July 2022, statutory consultation (in accordance with Article 38 of the Town and Country Planning Act 1990) was undertaken by Rushcliffe Borough Council (RBC) in its role as Local Planning Authority, between July and September 2022. A number of statutory and non-statutory stakeholders have provided comments on the LDO and related documents.

Separate notes have been produced to respond to specific issues related to transport, a design review (undertaken by the Head of Placemaking at Mace Group on behalf of the Council) and impacts on certain heritage assets. This note has been produced by Arup, on behalf of RBC in its capacity as

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

promoter of the LDO, to respond to other issues and concerns raised by consultees. These have been grouped into key themes as set out below.

- 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
- Decision Making Process (RBC’s Delegated Procedures)

2. Ecology and Biodiversity

6 statutory stakeholders, 1 Local Authority, 2 RBC Councillors and 2 Parish Councils (one of these being a joint response from 5 Parish Councils) commented on matters relating to the impact on ecology and biodiversity within the Site.

These concerns were echoed by 12 non-statutory stakeholders (i.e. members of the public, landowners and other interested parties) who commented on the impact of the development on the environment, biodiversity and wildlife, and 3 non-statutory stakeholders who specifically commented on Biodiversity Net Gain (BNG) proposals.

2.1 Summary of comments

Overall, consultees wanted to see more emphasis given to mitigating impacts upon ecology and biodiversity. It was felt that the opportunity to aim to enhance the Site’s ecological and biological diversity had been missed, noting that enhancement is proposed at the Site’s periphery and off-site.

Notably, Nottinghamshire Wildlife Trust asked for BNG to be increased to 20% and delivered locally, a comment reflected in many other consultees’ responses. Frequent reference was made to ensuring that achieving 10% BNG is made a requirement for developers bringing forward proposals.

Some consultees express disappointment regarding a large percentage of BNG to be provided off-site and recommended that the opportunity to use buildings to increase biodiversity and interact with wildlife should be further encouraged. Others raised concerns regarding the future management of BNG.

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

2.2 Proposed response to comments

It is considered that the LDO sets appropriately high expectations for design, landscaping, and BNG but in response to feedback the wording of Section 3.3 of the LDO and Statement of Reasons document has been revised. Whilst it is noted that there is currently no national or local planning policy requirement to provide a set level of BNG, the LDO will require the development to deliver a minimum of 10% net gain. The BNG requirement therefore exceeds current RBC Policy and futureproofs in anticipation of the Environment Bill being brought into legislation.

The LDO establishes a hierarchy for delivering BNG. This requires on-site options to be exhausted and evidenced before moving down the hierarchy and to explore off-site delivery options. Condition 5 of the LDO requires developers to provide a Biodiversity Mitigation Strategy with each application for a Certificate of Compliance which will confirm how the 10% BNG target will be delivered.

It is proposed that the Design Guide (Principle A3) is amended to require developers to maximise the potential to include green roofs, or solar PV, as part of the building design. Principle SL2 (as revised) also encourages biodiversity to be provided within plots and to be designed to link with nearby areas of biodiversity to create ecological corridors across the site.

Developers will be required to set out their proposals for the long-term management of BNG areas with the Biodiversity Mitigation Strategy – see point 9 of the Guidance for the production of the Transport and Biodiversity Mitigation Strategy included in Appendix C to the LDO & Statement of Reasons. It is a requirement of condition 5 that the Biodiversity Mitigation Strategy is agreed before construction commences and that the Strategy is updated and approved at each Certificate of Compliance application.

2.3 Proposed changes to LDO or related documents

The LDO clearly sets a requirement to deliver a minimum of 10% BNG and contains mechanisms to ensure that details of BNG, and the management thereof, are provided and agreed prior to the commencement of development. Having reviewed comments made by stakeholders regarding ecology and biodiversity, the wording in Section 3.2 of the LDO has been revised to more clearly set out the hierarchy for delivery, with provision on or near the site as a first option.

Amend Design Guide (Principle A3) to require developers to maximise the potential to include green roofs, or solar PV.

3. Green Belt

RBC's Local Plan indicates that the whole Site is located within and washed over by the Green Belt. This means that the LDO will be determined in accordance with the guidance set out in Chapter 13 of the NPPF.

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

Concerns about the harm to or loss of the Green Belt were not raised by any statutory stakeholders or Local Authorities. 1 RBC Ward Member, 3 Parish Councils and 17 non-statutory comments mentioned the Green Belt. Of the non-statutory responses, 13 expressed concerns about the loss of the Green Belt as a result of the development and another 4 felt there was a lack of justification to release this area of the Green Belt.

3.1 Summary of comments

There were a number of objections based on the principle of development in the Green Belt – many of these focussed particularly on the Southern Area (this is addressed further in Section 4). Some believe that further justification for development in the Green Belt should be provided. Some hold the view that the “undeveloped”/ “greenfield” Southern Area should not be included within the LDO boundary and that there has been a lack of consideration for the Green Belt. The comments conclude that there should be a distinction between the previously developed land in the north of the A453 and the “open land” to the south of the A453. It was felt that the cumulative impact, plot coverage and access to West Leake Lane have not been considered with respect to harm caused to the Green Belt.

3.2 Proposed response to comments

The LDO cannot release land from the Green Belt but, subject to national and local planning policy, considerations can permit development within it. NPPF (Paragraphs 147 to 151) states that development which is harmful to the Green Belt should not be approved except in Very Special Circumstances (VSC). VSC exist where potential harm to the Green Belt is clearly outweighed by other considerations.

Development upon the Northern Area of the Site is considered capable of being appropriate as it is previously developed land. The Southern Area has been used for ash management operations although it does not fall into the definition of previously developed land.

The Very Special Circumstances for allowing the proposed development to proceed are set out in detail in the Green Belt Assessment at Section 7.5 of the LDO & Statement of Reasons.

It is highlighted that the site possesses a unique combination of attributes that make it ideally placed to deliver on a number of key national, regional and local policy objectives. The Southern Area, and the majority of the Northern Area, form a key part of the East Midlands Freeport. This area is therefore subject to Government policy, which is designed to deliver a significant quantum of new industry and new jobs by September 2026. Development of currently vacant and/or under-utilised areas of the Site (both to the south and to the north of the A453) therefore must take place quickly in order to deliver on Government’s objectives. It is further argued that the early delivery of employment in these areas will be important to support, where possible, a transition of employment and knowledge from the existing Power Station use to new green/low carbon energy and advanced manufacturing opportunities.

3.3 Proposed changes to LDO or related documents

No changes to the LDO or related documents are proposed after reviewing comments made by stakeholders regarding the Green Belt.

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

4. The Southern Area

3 Parish Council responses (one of which was a comment made by 5 Parish Councils jointly) and 14 non-statutory stakeholders expressed concerns over development taking place on the land south of the A453 (the Southern Area). It was highlighted that this land differs in nature to the built-up, industrial land to the north of the A453 (Northern Area).

4.1 Summary of comments

Comments include the preference for not including the South Area of the Site in the redevelopment. Some consultees object to the Southern Area's inclusion in the LDO because of its undeveloped "greenfield" nature, and its contribution to the wider landscape. Respondents considered that the height and massing of buildings within this area will alter the nature of this land, harming the Green Belt and impacting on views from surrounding areas. It is suggested that the Northern and Southern Areas should be considered differently when planning for the Site's redevelopment.

Concerns for Winking Hill Farm – a mixed residential and commercial property adjacent to the boundary of the Southern Area – is briefly mentioned by some consultees who expressed the need to protect the interests of the residents of Winking Hill Farm. Issues raised include questioning the decision not to include this property within the LDO boundary, a request to improve access to the property during redevelopment and a concern regarding the possible overshadowing of the farm caused by new buildings.

4.2 Proposed response to comments

Part of Government's rationale for Freeports includes the ability for the UK to attract very large inward investment opportunities – for example the construction of Gigafactories for battery and/or electric vehicle manufacturing. Such developments are large, and the Southern Area is the only area of the Site which is large enough to capture these opportunities. The Southern Area therefore will play a key role in delivering the overall vision for the Site and forms a key element in the overall development.

The Southern Area forms part of the East Midlands Freeport which has been approved by Government. The key objective of the LDO is to enable the development of the East Midlands Freeport and therefore the Southern Area should be included within the LDO. Winking Hill Farm does not form part of the approved Freeport area, and therefore has not been included in the LDO.

The different character of the Southern Area has been carefully reconsidered and it is considered appropriate to ensure that development on this area focusses on Net Zero transition elements of the vision as set out in the Design Guide. With this in mind development on this area is limited to energy generating or advanced manufacturing uses that assist with the transition to a net zero carbon future.

Concerns about the height and massing of buildings on the South site are considered in section 5.

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

Potential impacts on Winking Hill Farm have been minimised by creating a landscape buffer between the farm and the edge of the development plot (Plot I). Design Guide Principle BH5 requires the developer to demonstrate that the building in Plot I has been designed to minimise its impact on Winking Hill Farm.

4.3 Proposed changes to LDO or related documents

To ensure that uses within the Southern Area closely align with the transition to Net Zero elements of the vision for the LDO the range of permitted uses on Plot I has been revised within Design Guide Principle LU3 and the Permitted Uses Parameter Plan. In addition Principle LU6 in the Design Guide has been revised to include a requirement that development on Plot I accords with Characteristics of acceptable uses 1 and 2, that are specifically related to low carbon energy production and storage or manufacturing uses delivering the net zero transition.

5. Building Heights and Visual Impact

Many comments were made relating to the height, massing and scale of the proposed buildings, with a particular focus on their impact in the Southern Area. Visual impact of the development on the surrounding areas was also noted. 3 statutory stakeholders raised this issue, along with 2 Local Authorities, 2 RBC Ward Members (including a joint response from 3 Ward Members), 3 Parish Councils and 14 non-statutory stakeholders. Many consultees who commented on the heights of the buildings felt they were too tall for this area of the Green Belt and that it would cause adverse visual impact.

5.1 Summary of comments

Many consultees were concerned that the 40 m height parameter set for development on the Southern Area would have a negative visual impact on the surrounding environment and was inappropriate for this Green Belt setting.

Consultees request measures to soften the buildings' visual impact by reducing the height of the tallest buildings, reducing the density of buildings and possibly by arranging them into smaller units with more landscaping throughout the Site.

The scale of the buildings proposed in the Northern Area was also criticised for not respecting the Green Belt. It was suggested that a mitigation strategy for keeping within the landscape character area is essential.

5.2 Proposed response to comments

The Parameter Plans establish a maximum envelope (plan area and height) within which new development can take place. The maximum height parameter has been established following a review of different buildings which have been recently constructed to accommodate large gigafactory, manufacturing and logistics operations.

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

The visual impact of development within this envelope, including its impact on the Green Belt, has been considered in the Landscape and Visual Impact assessment of the Environmental Statement. This has concluded that the visual impact would be significant from certain viewpoints and the Design Guide as originally drafted included measures in respect of building design and landscaping, aimed at mitigating these impacts. Such impacts must also be weighed against the considerable economic benefits that would arise from bringing this development forward.

It should be noted that whilst the Parameter Plans set maximum heights to provide maximum flexibility to attract potential investors, it is not anticipated that development would completely fill this envelope. Large areas will be dedicated to access roads, parking and service yards which will not be visible from a distance. The buildings will also reflect their function, and for some manufacturing uses, buildings of more modest height are likely to come forward. The Design Guide which accompanies the LDO establishes a number of important principles (Parameters A1 to A10) to help reduce the visual impact of the proposed buildings and ensure they are sympathetic to their surrounding environment.

However, recognising concerns from the local community about the impact of the buildings on the Southern Area, it is proposed to modify the height parameter to reduce the maximum overall height to 30 metres but with an exception to go higher, up to a maximum of 40 metres on up to 20% of the plot, providing this additional height is shown to be necessary to deliver the development.

For the Northern Area, the existing Power Station is considerably higher than 40 m and therefore it is considered that the proposed buildings will have a less dominant impact on the landscape.

Restricting building heights further is not considered appropriate and this may deter potential operators who would invest in this area and help to deliver the employment, skills and net zero objectives of the Proposed Development.

5.3 Proposed changes to LDO or related documents

It is proposed that the Parameters for the Southern Area are amended to reduce the maximum height of buildings in this area, but to recognise that there may be certain cases when higher buildings (or parts thereof) may be required.

The revised parameter plan establishes a general limit of 30 m across the Southern Area but allows buildings across a maximum of 20% of this area to extend up to 40 m in height. It would need to be demonstrated that these taller buildings are necessary due to the proposed manufacturing operation, that there are no reasonable alternatives and that the visual impact of the building has been assessed. These changes are incorporated into the Building Heights Parameter Plan and in revised wording in BH2.

It is considered that this approach, alongside the changes in section 4, achieves a balance which enables and encourages development that aligns with the vision for the Site, but which seeks to reduce the potential visual impact of the scheme.

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

6. Strategic Road Network and Public Transport

3 statutory stakeholders, 4 Local Authorities, and 11 non-statutory comments raised concerns about possible increases in traffic congestion on the Strategic Road Network (SRN). 3 statutory stakeholders, 3 Local Authorities, 2 RBC Ward Members (including a joint response from 3 Ward Members), 7 Parish Councils and 5 non-statutory consultees made comments regarding the LDO's provision for public transport, noting the Site's proximity to the railway station and park and ride infrastructure.

6.1 Summary of comments

Respondents noted that the current transport modelling outputs show that the proposed scheme will impact the operation of the SRN, including queuing on the M1. Congestion on the SRN would cause traffic to divert onto the local road network which would create additional impacts. It was felt that the proposed mitigation works at M1 Jn24 would not be sufficient to mitigate against these impacts, particularly given the cumulative impact of other developments proposed in the vicinity. National Highways suggested that a wider strategic approach should be adopted.

Some respondents expressed disappointment regarding the provision of public transport serving the Site. Some mention that connections to East Midlands Parkway and the tram network should be improved, given their proximity. A Public Transport Strategy was proposed to help reduce the emphasis on travel by private car and achieve the modal shift targets set out in the Transport Assessment. Some respondents also highlighted that surrounding villages would benefit from public transport improvements to access the Site. The provision of incentives to employees encouraging them to use rail/bus services was highlighted as was the need to provide a street hierarchy which encourages walking and cycling.

6.2 Proposed response to comments

Further discussions have taken place with National Highways and Nottinghamshire, Derbyshire and Leicestershire Highway Authorities, and a separate Transport Note has been provided to address their comments. This Note recognises the need for a holistic transport solution to increase highway capacity which will not only address the impacts of the proposed development at Ratcliffe but will also accommodate the needs of other major developments such as other Development Company and Freeport proposals and HS2, once these are known. It is recognised that this holistic solution will require joint working between developers and public sector bodies and that this will take time to come forward. However, the Transport Note also highlights that initial Phases of the proposed Ratcliffe LDO development would have a minimal impact on the SRN, and therefore proposes an amendment to LDO Condition 6 which will restrict delivery of later stages of the development until such time as a holistic transport solution has been agreed/delivered.

The Transport Assessment, Framework Travel Plan and the Transport Note describe a package of measures proposed to improve public transport connectivity and to encourage cycling and walking. These include provision of a Shuttle bus linking the individual plots to the railway station and interchange points with public bus and tram services; working with bus operators to improve services to the Site; creating a direct access from the east side of East Midlands Parkway to the Site;

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

support for cycleway improvement, employing a Travel Plan coordinator to promote sustainable travel; and employee incentives to use public transport.

A proposal from Nottinghamshire Highway Authority to require developers to provide a Public Transport Strategy has been accepted and incorporated into the revised LDO conditions.

6.3 Proposed changes to LDO or related documents

Condition 6 of LDO has been strengthened to limit the quantum of development which can come forward before highway mitigation is implemented. The amended clause also encourages the Promoter to work with highway authorities and other scheme promoters to ensure a holistic solution is agreed upon.

LDO Condition 10 has been revised to add a requirement for a Public Transport Strategy to be submitted for approval and minor changes have been made to the Submission Checklist in Section 10 of Appendix B of the LDO, to specify the information to be incorporated into the Plot-specific Travel Plans.

A Highway Safeguarding report has also been added to the Submission Checklist (Section 10, Appendix B of the LDO) and amendments made to Principle T4 in the Design Guide requiring developers to ensure their designs do not compromise the integrity of the highway and that they integrate with bus and tram services.

7. Local Roads

Derbyshire and Leicestershire County Councils expressed concern over the potential increase in traffic on local roads, along with 2 RBC Ward Members (including a joint response from 3 Ward Members). This issue was also raised by 9 of the 12 Parish Council responses, including the joint response from 5 Parish Councils, concerned about traffic being displaced onto local roads in their area arising from the construction and/or use of the Site. Concerns about increased traffic in the immediate and/or surrounding area of the Site were raised 31 times by non-statutory stakeholders.

7.1 Summary of comments

The respondents highlight the significant increase in traffic that would be associated with the creation of 7,000–8,000 jobs approaching the site from the rural south, including from East Leake, Costock, Loughborough, Melton Mowbray, etc. They suggest that this would lead to localised congestion and nuisance for local villages and road users as well as increased risk of accidents. site users would use local roads to ‘rat-run’ and avoid congestion on the main road network. The response on behalf of 5 Parish Council’s includes detailed suggestions for mitigation.

They say there have been numerous accidents, including at the junction of West Leake Lane and Gotham Road. The 5 Parish response suggests traffic lights as a solution, as well as the enforcement of existing HGV restrictions. There is a specific suggestion for the improvement of the access to Winking Hill Farm, to reduce the potential for accidents.

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

The existing poor rural bus provision is highlighted as a particular concern, a full feasibility study is suggested as mitigation.

They say that Kingston Railway bridge has been hit on a number of occasions and a height monitor and warning device is suggested.

They say that the 30 mph speed limit is ignored along Kegworth Road, Ratcliffe and a warning sign is suggested.

It is stated that students from the University use the road from Kingston Bridge to the Parkway Station and that there is no footway. A new footway and cycleway is suggested.

There are a number of specific issues raised where they suggest consideration be given to some form of signage or use restrictions to avoid use by HGVs.

There is concern about use of the Kegworth Road junction with the A453 by ‘car cruisers’, with a request for a co-ordinated response to find a solution.

The use of the A453 corridor as the principal cycle route to the site is said to miss an opportunity for enhancement. Consideration of a cycle crossing of the Trent, as well as reserved cycle paths along West Leake Lane and Gotham Road are suggested.

7.2 Proposed response to comments

As identified in the Transport Assessment, the majority of traffic accessing the LDO Site will use the Strategic Road Network. It is recognised that mitigation works are required to the Strategic Road Network to increase capacity so that it can accommodate traffic and minimise any displacement of traffic onto local roads. The “Transport Note” issued separated to address comments by the Highway Authorities, identifies how the Promoter of the Ratcliffe site will need to work with other developers and the Highway Authorities to agree and implement a holistic transport solution which provides this additional highway capacity.

To address local concerns regarding vehicle speeds and highway safety, it is proposed that the LDO funds a traffic management study covering Ratcliffe-on-Soar, East and West Leake, Kingston-on-Soar including Kegworth Road, Gotham Road and West Leake Lane. The study should identify current issues with rat-running, speeding vehicles, HGVs, risk of collision with structures and poor visibility, and propose mitigation measures. Such measures could include additional signage, active illuminated warning signage, traffic lights, physical interventions (e.g. speed bumps or chicanes), enforcement cameras and minor junction improvements. The LDO should provide funding to the local Highway Authority to undertake the study and help implement its recommendations.

Improvements to pedestrian and cycle links is supported and the local highway authority is already looking at opportunities to improve the cycle network in this area, including the provision of new cycleways. The LDO includes a requirement for developers to make a contribution to help deliver cycle routes accessing the site (see LDO Appendix C, Table C). It is proposed that this requirement is expanded to include footway cycleway improvements to access the station.

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

Following comments by the Highway Authorities, Condition 10 in the LDO is being amended to require a Public Transport Strategy to be submitted and approved by the Council prior to occupation off any new development (see below). The Public Transport Study will address the identify opportunities to improve bus services to local communities around the site, for example by integrating with the Demand Responsive Bus Service being trialled by Nottinghamshire County Council (see Section 8.5.2.1 of the Transport Assessment).

7.3 Proposed changes to LDO or related documents

An additional item shall be added to the “Schedule of Mitigation Requirements” (Appendix C of the LDO, Table C). The “Transport & Biodiversity Mitigation Strategy” shall include an extra bullet requirement as follows:

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.

The final bullet point under “Transport Mitigation” in the Schedule of Mitigation Requirements (Table C, LDO Appendix C) shall be amended to the following:

Contribution to cycle and footway improvements for cycle and footway routes accessing the site and East Midlands Parkway station.

LDO Condition 10 is expanded to incorporate the requirement on the Promoter to submit a Public Transport Strategy for approval. The following paragraph is to be added into Condition 10:

Prior to any development within the Site being occupied or first brought into use, a Public Transport Strategy (PTS) must also be submitted to and approved in writing by the Council. The PTS must provide details of bus access and bus routes through the site, locations of bus stops, and set out arrangements for providing these services including frequencies, routes, phasing of delivery, funding, procurement and review arrangements.

8. HS2

2 statutory stakeholders, 1 Local Authority, 1 RBC Ward Member, 2 Parish Councils and 7 non-statutory expressed their preference for the effects of HS2 to be considered in more detail in the LDO. Concerns raised include the potential for increased traffic on surrounding roads (during construction and operation), and the integration of an East Midlands Parkway HS2 station with the Site.

8.1 Summary of comments

Respondents highlighted that the traffic impacts from HS2 should be considered with development of the Ratcliffe site and other major developments in the area (including other Freeport sites) and proposed that a transport feasibility study embracing HS2 be conducted. Respondents noted that the

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

Transport Assessment did not include for HS2, and requested clarification on the assumptions around rail capacity, for example.

It was suggested that the LDO be extended to consider the wider needs of the local area. It was proposed that the combined effect of HS2, the redevelopment of the Power Station site and other development opportunities (including housing) on surrounding sites should be considered at a strategic planning level. It was recommended that these issues were considered in the LDO so that it did not prejudice future strategic planning decisions.

The LDO is perceived to not account for the impact of HS2 and has not sought to integrate the design for Ratcliffe-on-Soar development with the design of the HS2 station. It is suggested that the LDO has missed the opportunity to provide for a future HS2 East Midlands Hub station which could deliver significant strategic benefits in terms of connectivity and economic growth.

8.2 Proposed response to comments

HS2 is in the very early stages of its work to develop proposals for the East Midlands Parkway Station. HS2 is currently unable to confirm a train service pattern through East Midlands Parkway Station or to provide any details of how the existing station might be adapted to suit HS2 requirements. HS2 Ltd confirmed in its response to the LDO consultation that it has not begun external discussions regarding its plans, and therefore information about the timing, nature and form of the proposed HS2 interface is not available.

There may be a strong argument that the growth and development opportunities stimulated by HS2 should best be located within the city centres of Nottingham, Leicester and Derby. This approach would be promoted if HS2 trains passed through East Midlands and terminated in the existing city centre stations, for example. In such a scenario, there may be little development around East Midlands Parkway station.

Alternatively, there may be a push to create an “HS2 Growth Point” around East Midlands Parkway, building on its improved transport connectivity and adjacency to the Airport and Freeport developments. Such a scenario would be supported by the current Ratcliffe-on-Soar LDO. Plots E and J are located adjacent to the station and will likely be the focus for HS2 related development. The LDO permits a range of uses on these plots, including offices, education, R&D, energy, manufacturing as well as complementary uses – including small hotel, convenience retail and transport hub – that would fit with an HS2 orientated development. Furthermore, the LDO provides for an eastern access into the station and creates a protected corridor to allow for a possible extension of the Nottingham tram through the Ratcliffe site to stop at the station.

The spatial requirements to allow the station to grow to accommodate HS2 are unknown at this time. With HS2 services from Birmingham arriving from the west, the station could expand westwards. We understand that Network Rail own land on this side of the station, therefore it may be that parking and other station infrastructure may be located on the west side of the station rather than requiring these uses to be accommodated on the Ratcliffe site.

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

Over the coming years, HS2 will develop its proposals and will be better placed to identify the impacts (if any) on the Ratcliffe site. It is expected that HS2 will work collaboratively with Rushcliffe Borough Council in developing its ideas and will seek to align with the LDO where possible. If changes to the LDO are required, then the Council has the power to amend the LDO through one of the regular review stages (see LDO Condition 1).

Responding to the comment about the extent of the LDO, it is highlighted that one of the key objectives of the LDO is to enable the development of the East Midlands Freeport and to meet Government's timetable for Freeports. In parallel, the Greater Nottinghamshire Strategic Plan (GNSP) is being developed to consider the wider planning needs. It is considered that the GNSP is the most appropriate mechanism to consider the impact of HS2 and any other development opportunities on surrounding sites.

8.3 Proposed changes to LDO or related documents

Condition 6 of the LDO has been amended to encourage developers at the Ratcliffe site to develop a holistic transport solution which can serve the needs of all known or committed development at that time, including HS2.

Additional and revised text has been incorporated into the Design Guide to emphasise that the development in Plots E and J should comprise a Campus style development with enhanced public realm (A10, LU3, SL6) and additional east-west routes and public realm in these plots has been incorporated in the Access and Circulation Parameters Plan.

No further changes to the LDO or related documents are proposed after reviewing comments made by stakeholders regarding the interface with HS2.

9. Connectivity and Public Rights of Way

Providing sustainable connections to and around the Site was an issue Mace and 3 other statutory stakeholders highlighted in detail. In addition, 4 Local Authorities, 1 RBC Ward Member (including a joint response from 3 Ward Members), 3 Parish Councils and 13 non-statutory stakeholders highlighted pedestrian/cycle connectivity and the Public Rights of Way as an area of concern.

9.1 Summary of comments

Comments were made highlighting a desire to enhance the connectivity of the public rights of way in and around the Site, especially to the south. Consultees perceived that the number of footpaths and cycleways were not sufficient to achieve connectivity (linking the Site to surrounding villages) or encourage commuters to use sustainable modes of transport.

The Ramblers Association (statutory stakeholder) suggested that there would be value in introducing a new footpath along the northern boundary of the Site, linking to the existing track.

Finally, comments ask for the Site to be better connected with the broader region through safe, high-quality, and sustainable means. Some propose direct pedestrian walkways from East Midlands

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

Parkway Station to the Site's internal walking/ cycle network to encourage rail use rather than car dependency. Improving 'sense of place', site arrival and legibility are also noted by few.

9.2 Proposed response to comments

As shown on the Parameter Plans and detailed in the Design Guide, the LDO maintains the PROW connectivity across the site. The potential to accommodate localised diversions, if required, to align with the redevelopment proposals is indicated in the Access and Circulation Parameter Plan and Design Guide Principle T3 details design requirements.

The existing footpath network provides connectivity with the adjacent villages of Ratcliffe-on-Soar and Thrumpton, and the footway/cycleway alongside the A453 provides connectivity into Clifton and Nottingham. The LDO does not seek to amend the PROW network outside the boundary of the Site. Creating new footpaths will require agreement to be reached with neighbouring landowners and this is beyond the scope of the LDO.

The LDO supports the improvement of cycleways which will service the development. Proposed cycleway improvements require land which is outside the Promoter's control. Therefore, whilst the Promoter cannot deliver cycle route improvements, the LDO requires that a financial contribution is made to support the provision of these cycle links when they come forward.

The Parameter Plans and Design Guide show how the internal network of roads, footways and cycleways within the Site connect to the external networks to create a permeable network. The LDO also proposes an eastern entrance to East Midlands Parkway station to allow direct access between the Site and the station. Design Guide Parameters have been amended in response to suggestions from Mace to highlight the importance of providing good pedestrian permeability between the station and the Site.

9.3 Proposed changes to LDO or related documents

Minor amendments are proposed to the Access & Circulation Parameter Plan RBCLDO-ARUP-ZZ-XX-DR-A-0012 to include:

- *East-west pedestrian routes were added through Plots E & J to encourage permeability from the station to these plots.*
- *Arrival space at the station entrance has been highlighted. Other key nodes are shown, highlighting potential public spaces.*

Design Criteria SL6.2 is amended to set out the design criteria for these spaces:

- *SL6.2 – Design the entrance space from East Midlands Parkway station to be welcoming for pedestrians and cyclists. Routes between the station and the development should be clear and legible.*

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

10. Site Uses and Alternative Uses

1 Statutory stakeholder (CPRE), a joint response from 3 Ward Members, a joint response from 5 Parish Councils and 7 non-statutory commented on the proposed uses for the Site.

10.1 Summary of comments

Some respondents noted that the rationale for logistics uses proposed for the Site, given proximity of East Midlands Intermodal Park, was not strong enough, especially on the Southern Area. One consultee proposed that warehouse development is restricted to ancillary manufacturing uses. Non-statutory stakeholders proposed range of alternative uses including:

- A waterpark or Centre Parcs type development
- Permanent site for travellers or refugees
- Health and sport uses such as a leisure centre, football club, hospital, etc.
- Camping site or travel services
- Restaurant or produce growing site
- Residential uses

10.2 Proposed response to comments

There is considerable demand for logistics development in this area, as evidenced by the recent Greater Nottingham Strategic Plan¹ consultation and call for sites. There may also be benefit in locating warehousing uses on the Site, particularly if they can benefit from the rail siding and/or support the advanced manufacturing uses proposed on-site. The LDO seeks to strike an appropriate balance by limiting the total quantum of logistics development permissible on the Site to approximately 20% of the total permitted floor area. The LDO does not permit logistics development on the Southern Area.

The alternative uses suggested by some non-statutory stakeholders are not aligned with the vision for the Site and would not fulfil the ambitions of Government's Freeport initiative or Local Policy ambition to create new, highly skilled employment opportunities.

10.3 Proposed changes to LDO or related documents

No changes to the LDO or related documents are required after reviewing comments made by stakeholders regarding the Southern Area.

¹ <https://www.gnplan.org.uk/media/3332950/growth-options-consultation-2020.pdf>

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

11. EMERGE Centre

The EMERGE Centre was not highlighted as a concern by any statutory stakeholders. However, 1 Local Authority (Nottinghamshire County Council), 3 Parish Councils and 3 non-statutory stakeholders commented on its use as an incinerator.

11.1 Summary of comments

Respondents have commented that the EMERGE Centre, as an incineration plant, does not align with the green and clean energy vision for the redevelopment of this Site. In addition, some raise concerns about the carbon emissions created by burning waste may create. Others believe that an advanced recycling plant would be more beneficial to surrounding communities.

The potential increases in traffic generated by transporting material by road to and from the EMERGE Centre were also highlighted.

11.2 Proposed response to comments

The EMERGE Centre, which is officially classed as an R1 energy recovery facility, has already been granted planning permission by Nottinghamshire County Council. Therefore, the EMERGE Centre has not been included in the LDO and does not form part of the LDO proposals.

As recognised in the Energy Strategy, the EMERGE Centre could generate electricity and district heating which could be supplied to other buildings on the Ratcliffe site. This would help the Site become more resilient for energy and help meet sustainability objectives.

The Transport Assessment has considered the impact of traffic generated by the EMERGE Centre as part of its assessment.

11.3 Proposed changes to LDO or related documents

Planning permission for the EMERGE Centre has already been granted by Nottinghamshire County Council. The EMERGE Centre does not form part of the LDO proposals and therefore no changes are required to the LDO.

12. Extending Power Generation and Energy Security

2 Local Authorities, 1 RBC Ward Member and 6 non-statutory stakeholders commented about the continued use of the existing Power Station. This theme reflects people's concerns for the country's energy security, given the current political context.

12.1 Summary of comments

Concerns were expressed about a possible delay to the proposed closure of the existing Power Station. Some felt the Power Station should remain operational for longer to assist with addressing the current energy crisis, but others stressed the importance of ensuring that burning of fossil fuels does not continue past the closure date currently agreed.

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

Consultees require clarification as to whether the planned date of closure for the Power Station may change in light of energy resourcing. Some noted that media reports had suggested the Power Station would close later than scheduled due to the current uncertain energy supplies the country has been experiencing.

Some suggested the LDO be put on hold until uncertainty surrounding energy security has been resolved. Others suggest issues around energy security and resilience should be covered within the Energy Strategy.

Some fear that if the operation of the Power Station is extended, the Southern Area could be developed whilst the Power Station continues to burn fossil fuel. There is concern that, under this scenario, the vision for the decommissioning and demolition of the Power Station to enable new development tied into green energy will never be achieved.

12.2 Proposed response to comments

As part of UK government's strategy to phase out power generation from coal, the Ratcliffe Power Station will close at the end of September 2024.

To achieve this, Uniper (the Power Station Operator) was planning to decommission one of the four power units at the station in September 2022, with the remaining three units closing in September 2024. Nevertheless, to support the Government in bolstering the UK's security of supply throughout the winter, the Government has agreed with Uniper that the unit will now continue to be available until 31 March 2023.² Uniper is also reviewing the potential for operation after this time and is planning to make the unit available until the September 2024 coal phase-out date.

Therefore, it remains Government policy, and the intention of Uniper, that the Power Station will close in full at the end of September 2024. As such, the phasing assumptions set out in the LDO remain valid and concerns expressed about this matter do not affect the integrity of the LDO.

12.3 Proposed changes to LDO or related documents

No changes to the LDO or related documents are considered necessary after reviewing comments made by stakeholders regarding the future of the Power Station and Energy Security.

13. Minerals and Waste

Nottinghamshire County Council (NCC), in its role as Minerals and Waste Planning Authority, commented on the Winking Hill ash disposal site.

² <https://www.uniper.energy/news/uniper-reaches-agreement-to-support-the-government-in-bolstering-the-uks-security-of-supply-this-winter>

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

13.1 Summary of comments

NCC highlights that the majority of the southern area of the Site comprises the Winking Hill ash disposal site. NCC highlights that the ash is no longer regarded as a waste product but is recognised within the NPPF as a valuable, low-carbon resource, which can be used as a substitute for primary minerals used in the construction industry.

Whilst the ash is currently being extracted, NCC is concerned that, if development on this part of the site takes place before it can all be extracted, its use as fill for the development would not represent best and most sustainable use for this resource. Accordingly, NCC has requested that RBC impose a condition requiring a strategy be produced for approval, detailing how the best and most sustainable use is to be made of the ash.

NCC also refers to existing conditions relating to the ash disposal site, requiring it to be restored. NCC states that a condition should be imposed such that, if the development permitted under the LDO does not take place in accordance with indicative timescales in the Environmental Statement, the site should be restored as set out in the extant permission or in accordance with an interim restoration scheme.

Finally, NCC refers to the EMERGE Centre and the potential to develop a local heat network fed by the facility. The planning permission for the EMERGE Centre includes a condition requiring the developer to safeguard land in the site to enable a supply of heat to be installed to the boundary and to review the potential to utilise the heat on a rolling 3-year review. NCC suggests that the LDO includes a condition requiring preparation of a scheme to support delivery of essential infrastructure to utilise heat and energy (e.g. district heating) from the EMERGE Centre.

13.2 Proposed response to comments

A meeting has been held with NCC and Uniper to understand NCC's comments and to review Uniper's current activity to reuse ash waste. It is highlighted that Uniper is actively excavating and selling ash into the construction industry, although demand can fluctuate in response to market conditions.

National planning guidance recognises fly ash as a nationally important mineral resource and therefore it is appropriate that the LDO requires that a Strategy is produced 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. It is anticipated that this will include development platforms and associated road infrastructure for continued export from the site, as well as using the ash in combination with or substitution to cementitious material (where applicable) in the construction operations. Some ash may also be preserved as a resource within areas not developed. It is recognised that some of the ash, due to its composition, will not be suitable for sale or reuse. Additionally, it is recognised that some of the ash has intermixed with the natural subsoil (for example at the bottom of the landfill) and this material is of unsuitable quality for the construction industry.

With regard to the restoration condition, it is not considered that an additional condition is required as the LDO does not supersede any extant permission and so the existing conditions would remain

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

as enforceable in the event that the LDO permission is not implemented in the short term. It is acknowledged that NCC may wish to see an interim restoration scheme come forward should development not occur for some time; however, the Southern Area is in Phase 1 of the scheme and therefore this situation may not arise. Furthermore, it is also highlighted that RBC will review the LDO at regular intervals (see Condition 1 of the LDO) and has the ability to address this issue at a later date should the unrestored site be causing problems.

The potential to develop on-site heat and energy networks is in accordance with the vision for the site and is supported within the Energy Strategy. However, it is noted that the EMERGE Centre is regulated under a separate consent and does not form part of the LDO. Therefore, the LDO should not be tied to the delivery of the EMERGE Centre as this scheme has not yet been implemented and so it should not be linked to a future event outside of the LDO. It is also noted that condition 26 on the EMERGE Centre consent places requirements on the developer to supply residual heat to the boundary of the development and therefore mechanisms are in place to achieve the objectives of NCC without the need for an additional condition in the LDO.

13.3 Proposed changes to LDO or related documents

It is proposed that an additional condition is included within the LDO to require submission of a Fly-Ash Strategy as follows:

Prior or in parallel to the first submission of a Certificate of Compliance application on land to the south of the A453 (including earthworks) a strategy for future utilisation of the remaining fly ash resource (PFA/FBA) shall be submitted for the prior approval of the Council. The strategy shall detail how the best and most sustainable use is to be made of the fly ash mineral resource to avoid sterilisation, where reasonably practicable and commercially viable. The approved Fly Ash Strategy must be updated and submitted with each Certificate of Compliance Application on the land to the south of the A453, to demonstrate that the Strategy is being delivered and/or to reflect a material change in circumstances.

The development shall be implemented in accordance with the approved details.

14. Decision Making Process

1 statutory stakeholder (CPRE), 5 parish councils (a joint response) and 1 RBC Ward Member response (a joint response from 3 Ward Members from the Leake Ward) shared concerns about the decision-making process for the LDO, specifically the role this consultation holds within the LDO process. In addition, comments were made at the public exhibitions regarding the delegation of powers for issuing Certificates of Compliance.

14.1 Summary of comments

It is considered by CPRE that applications for Certificates of Compliance should be subject to public comments in the same way as planning applications because they are similar in so far as they

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

aim to show compliance with an existing planning policy framework (whether a Local Plan or an LDO).

Ward Members from Leake Ward have expressed a view that decision-making on detailed developments and Certificates of Compliance should be taken by elected Councillors in certain circumstances, so that any contentious applications have the benefit of full public representation.

The joint response from Gotham Parish Council, Barton in Fabis Parish Council, Kingston on Soar Parish Council, Ratcliffe on Soar Parish Meeting, and Thrumpton Parish Meeting) argues that, given the huge significance of these proposals to their communities, there should be an element of democratic involvement in, and accountability to, this process. They recommend that the Council's constitution should be amended to provide a new model for handling compliance certificate applications which is both accountable and expeditious. For example: either Officer(s) and/or Ward Member(s) can 'call in' to a LDO Certificate of Compliance Panel made up of (say) three Members of the Planning or newly convened sub-committee (like licensing panel hearings). This would sit outside the planning committee to allow for hearings at haste.

The five parishes also consider the proposed LDO review periods set out by RBC to be weak – especially considering how much development is likely to come forward in the early life of the order. Not reviewing until the 5-year anniversary would be too late to rectify any errors or omissions. They suggest 1, 3, 5, 7, 10, 15, 20, 25-year intervals.

14.2 Proposed response to comments

Government is wanting to streamline the planning process and has published guidelines recommending that LDOs are used for Freeport Areas. The Ratcliffe-on-Soar LDO has been developed in accordance with the Planning Advisory Service (PAS) guidance and with reference to other adopted LDOs (e.g. Gravity Park, south of Bristol).

The Ratcliffe-on-Soar LDO documents include Parameter Plans and a Design Guide which dictate the limits within which individual development proposals come forward. "Characteristics of Acceptable Uses" and "Examples of Acceptable Uses" have also been set out in the Design Guide to refine the standard planning classes and give further control over the type of development which will come forward on the Site. The Environmental Statement, Transport Assessment and other LDO documents also identify other mitigation measures which will need to be incorporated in the detailed proposals. These requirements have been captured in LDO conditions and the Certificate of Compliance Application Form and Checklist (Appendix B of the LDO).

The process to review applications and grant Certificates of Compliance is set out in Section 4.3 of the LDO. The determination and delegation procedure will follow the process as set out in the Council's constitution and it is not being treated as directly a matter for the LDO. Where powers are delegated to Council Planning Officers to review applications and issue Certificates of Compliance for those developments which satisfy the LDO criteria, Planning Officers will apply their judgement in reviewing an application and, if required, will be able to seek views from other parties to support their decision making.

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 03 July 2023

It is highlighted that Condition 1 of the LDO establishes a formal review procedure at the 3rd anniversary of adoption of the LDO and at 5 yearly intervals thereafter, which is considered an appropriate balance between giving investors certainty and continuity and the need to re-evaluate the LDO. RBC has the power to amend the LDO procedures at these review points (and at any point in-between if deemed necessary), should they not be delivering the proposed vision for the Site.

14.3 Proposed changes to LDO or related documents

No changes are proposed to the decision-making process set out in the LDO. However, determination and delegation procedure will follow the process as set out in the Council's constitution. This procedure is yet to be finalised but, once it is, it will be established through changes to the Council's constitution, not through changes to the LDO directly.

Copyright

Produced by Arup

ARUP