

**Appendix 10: Statement of Community Involvement
Second Addendum (July 2023)**

RATCLIFFE-ON-SOAR LOCAL DEVELOPMENT ORDER



STATEMENT OF COMMUNITY INVOLVEMENT SECOND ADDENDUM

July 2023



Rushcliffe
Borough Council

Rushcliffe Borough Council

Redevelopment of the Ratcliffe-on-Soar Power Station Site

December 2022 – January 2023
Addendum Statement of Community
Involvement

Reference: RBCLDO-ARUP-ZZ-XX-RP-YP-0007

July 2023

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

Job number 283253-00

Ove Arup & Partners Ltd
The Arup Campus
Blythe Gate
Blythe Valley Park
Solihull B90 8AE
United Kingdom
arup.com

Preface

This document is a Statement of Community Involvement Addendum, prepared following a further draft Local Development Order (LDO) consultation that ran for 6 weeks from Thursday 15th December 2022 until Thursday 19th January 2023. This additional addendum report documents the outcome of the third round of engagement with a wide range of stakeholders via consultation undertaken by Rushcliffe Borough Council, in its role as Local Planning Authority (LPA), in respect of a number of new and revised documents prepared following the initial statutory consultation. The feedback received has been reviewed and used to inform the final draft LDO which will be considered for adoption by the Council.

This Statement of Community Involvement Addendum should be read in conjunction with the original Statement of Community Involvement Report (RBCLDO-ARUP-ZZ-XX-RP-YP-0001) and the first addendum report (RBCLDO-ARUP-ZZ-XX-RP-YP-0006), which document the previous two rounds of consultation undertaken from November 2021 to January 2022 and July 2022 to September 2022.

Contents

| | | |
|-----------|--|-----------|
| 1. | Introduction | 5 |
| 1.1 | Purpose | 5 |
| 1.2 | Statutory consultation | 5 |
| 2. | Methods of Engagement | 7 |
| 2.1 | Publicity | 7 |
| 2.2 | List of consultees | 7 |
| 2.3 | Public consultation | 10 |
| 3. | Consultation feedback and response | 11 |
| 3.1 | Statutory consultation responses | 11 |
| 3.2 | Local resident and other interested party responses | 34 |
| 4. | Conclusion | 37 |
| | Appendix A1: Transport Response Note Jan 2023 | 38 |
| | Appendix A2: Comment Received from National Highways April 2023 | 54 |
| | Appendix A3: Transport Response Note May 2023 | 61 |
| | Appendix A4: Comment Received from National Highways May 2023 | 68 |

Abbreviations

| Abbreviation | Meaning |
|---------------|---|
| BNG | Biodiversity Net Gain |
| CoCP | Code of Construction Practice |
| CPRE | Campaign to Protect Rural England |
| CTSA | Counter Terrorist Security Advisors |
| D2N2 | The Local Enterprise Partnership (LEP) for Derby, Derbyshire, Nottingham, Nottinghamshire |
| EA | Environment Agency |
| EIA | Environmental Impact Assessment |
| EMDC | East Midlands Development Company |
| EMERGE Centre | East Midlands Energy Re-Generation Centre |
| EV | Electric Vehicle |
| FRA | Flood Risk Assessment |
| GNSP | Greater Nottingham Strategic Plan |
| HE | Historic England |
| HLM | Hallam Land Management |
| HMA | Housing Market Area |
| HS2 | High Speed Two |
| LDO | Local Development Order |
| LHA | Local Highway Authority |
| LPA | Local Planning Authority |
| MP | Member of Parliament |
| NATS | NATS Holdings Limited |
| NCC | Nottinghamshire County Council |
| NET | Nottingham Express Transit |
| NH | National Highways |
| NPPF | National Planning Policy Framework |
| NWLDC | North West Leicestershire District Council |
| PAS | Planning Advisory Service |
| PSTP | Plot Specific Travel Plan |
| PSTS | Plot Specific Transport Statement |
| PTS | Public Transport Strategy |

| | |
|-----|------------------------------------|
| PV | Photovoltaics |
| RBC | Rushcliffe Borough Council |
| SCI | Statement of Community Involvement |
| SRN | Strategic Road Network |
| STS | Sustainable Transport Strategy |
| VSC | Very Special Circumstances |

1. Introduction

1.1 Purpose

This Statement of Community Involvement (SCI) addendum report has been prepared by Ove Arup & Partners Ltd ('Arup') in support of the draft Local Development Order (LDO) prepared by Rushcliffe Borough Council (the Council) as Promoter of the LDO.

Following review of the representations made in the first round of statutory consultation, a number of amendments have been made to the formal draft LDO documents. These amendments have been made in order to address feedback and concerns that were raised during the initial consultation phase. In addition, an addendum was produced to the Environmental Impact Assessment as well as supplementary environmental information in respect of demolition activity. The Council as the promoter considered it important to gather further feedback on these changes in order to ensure that the LDO and its supporting documents had responded appropriately to the needs and concerns of stakeholders and the community or whether further changes are required. Additionally, particularly in the case of the EIA addenda, re-consultation ensures that the LDO complies with relevant statutory requirements.

The draft LDO and Statement of Reasons and its supporting documents were formally submitted for re-consultation on Thursday 15th December 2022, and since then the Council has continued to engage with members of the public, local stakeholders and statutory consultees in its role as Local Planning Authority (LPA), including the formal consultation required as part of the formal adoption procedures.

The purpose of this SCI Addendum is to provide an update on the continued engagement that the Council has undertaken, whilst also setting out how this engagement has directly influenced the changes sought as part of the revised/amended LDO and supporting documents. This SCI Addendum should be read in conjunction with the original Statement of Community Involvement Report (RBCLDO-ARUP-ZZ-XX-RP-YP-0001) and the first addendum report (RBCLDO-ARUP-ZZ-XX-RP-YP-0006), which document the previous two rounds of consultation undertaken from November 2021 to January 2022 and July 2022 to September 2022.

1.2 Statutory consultation

The requirements of the statutory consultation are set out in Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

As part of this consultation, the draft LDO and supporting documents, including the Environmental Statement, Transport Assessment and Design Guide, have been made available for inspection in accordance with the statutory requirements.

The requirements for the statutory consultation include:

- Publication of the draft LDO and supporting documents which must contain a description of the development which the order would permit, and a plan or statement identifying the land to which the order would relate;
- Consultation with persons whose interests the LPA consider would be affected by the order if made, and with any person who the LPA would normally be required to consult on an application for planning permission for the development proposed to the permitted by the order;
- A consultation period of no less than 28 days;
- Taking account of all representations received during the consultation period;
- Making a copy of the draft LDO, Environmental Statement and other technical documents available for inspection in person and online; and
- Giving notice by advertisement of the draft LDO and the statutory consultation period.

The consultation methods used for this statutory consultation have aimed to involve as many people and stakeholders as possible through a variety of ways that are accessible and appropriate, as detailed in the following section.

2. Methods of Engagement

2.1 Publicity

To fulfil the statutory requirements and raise awareness of the Proposed Development for the statutory consultation, a range of communication methods were used, including:

- A planning application type case was established on the Council’s Planning Portal (Ref: 22/01339/LDO), which included the LDO, Statement of Reasons, and all supporting documents. Consultees could view and comment on the application via the Planning Portal system;
- A consultation letter to local residents and businesses around the Ratcliffe-on-Soar site;
- Email notification to a stakeholder distribution list;
- Notification on the Council’s website, including the newsroom and planning policy pages;
- Press release to local and regional media outlets;
- Display of Site Notices; and
- Notification of tenants.

2.2 List of consultees

Table 1 lists the individuals, groups, local authorities, and organisations that were invited to take part in the statutory consultation, grouped according to the type of stakeholder.

Table 1 – List of consultees

| Category | Stakeholder |
|---|---|
| Local Authorities | Rushcliffe Borough Council (RBC) |
| | Nottinghamshire County Council (as Planning Authority and Highway Authority) |
| | Derbyshire County Council (Development Management; Waste and Minerals; Planning Policy, Highways) |
| | Derby City Council (Development Control; Planning Policy; Countryside Access) |
| | Leicestershire County Council (Planning; Planning Control; Policy; Highways) |
| | Nottingham City Council (Local Plans) |
| | South Derbyshire District Council (Planning; Planning Policy) |
| | Erewash Borough Council (Planning; Planning Policy) |
| | North West Leicestershire District Council (Development Control; Planning Policy) |
| | Charnwood Borough Council (Local Plans) |
| Technical stakeholders, key stakeholders, and statutory consultees | National Highways |
| | Network Rail |
| | HS2 Ltd |
| | RBC Planning Contributions Officer |
| | Environment Agency |
| | Environmental Health |
| | The British Horse Society |

| | |
|--|---|
| | East Midlands Airport |
| | NATS |
| | PEDALS |
| | Canal and River Trust |
| | Rushcliffe Nature Conservation Strategy Implement |
| | National Farmers Union |
| | Historic England |
| | Office of Rail Regulation |
| | Coal Authority |
| | Sport England |
| | Homes England |
| | Natural England |
| | Nottinghamshire Wildlife Trust |
| | Wildlife Trust |
| | Woodland Trust |
| | Campaign to Protect Rural England (CPRE) |
| | Garden Historic Society |
| | Inland Waterways |
| | Ramblers Association |
| | Public Health England |
| | Health and Safety Executive |
| | NHS |
| | NHS Nottingham West CCG |
| | |
| | EON Energy |
| | Western Power Distribution |
| | Nottinghamshire County Council (Lead Local Flood Authority) |
| | Nottinghamshire County Council Rights of Way |
| | National Grid |
| | East Midlands Development Company |
| | East Midlands Freeport |
| | NET Trams |
| | Age UK Nottingham & Nottinghamshire |
| | Disability Nottinghamshire |
| | Federation of Small Businesses East Midlands |
| | Rushcliffe Business Partnership |
| | East Midlands Chamber of Commerce |

| | |
|--|---|
| | |
| | Cadent Gas |
| | Cadent Gas Plant Protection |
| | Regen New Developments (Electricity) |
| | British Telecom Local Business East Midlands |
| | Mobile UK (Telecommunications) |
| | Severn Trent (Chris Bramley) |
| | Severn Trent Water (Growth Development; Network Development East) |
| | Civil Aviation Authority |
| | East Midlands Development Company (EMDC) |
| | D2N2 Local Enterprise Partnership |
| | Ruth Edwards MP |
| | |
| Rushcliffe Borough Council Ward Members | Cllr R Walker |
| | Cllr J Walker |
| | Cllr M Gaunt |
| | Cllr G Dickman |
| | Cllr C Thomas |
| | Cllr K Shaw |
| | Cllr L Way |
| | Cllr R Adair |
| | Cllr M Barney |
| | |
| Parish Councils | Ratcliffe on Soar Parish Council |
| | Barton in Fabis Parish Council |
| | East Leake Parish Council |
| | Kingston on Soar Parish Council |
| | Sawley Parish Council |
| | Lockington and Hemington Parish Council |
| | Gotham Parish Council |
| | Stanford-on-Sour Parish Council |
| | Thrumpton Parish Council |
| | West Leake Parish Council |
| | Sutton Bonington Parish Council |
| | Ruddington Parish Council |
| | Rempstone Parish Council |
| | Bunny Parish Council |

| | |
|--------------------------------|--|
| | Normanton-on-Soar Parish Council |
| | |
| | Costock Parish Council |
| | Kegworth Parish Council |
| | |
| Neighbouring Landowners | Winking Hill Farm |
| | Hallam Land Management (response from Pegasus Group on their behalf) |
| | Redhill Marina (Mather Jamie on their behalf) |

2.3 Public consultation

2.3.1 Planning Portal website

The Council continued to use its LDO application case via their Planning Portal (22/01339/LDO).¹ This acted as the central source for consultees and interested parties to view and comment on the revised draft LDO documents. Consultees still had the option to email or post their comments to the Council directly; these emails and letters were scanned and uploaded on the Planning Portal website.

As of 5th February 2023 (16 days after the consultation period closed), the response rate by consultees from the Planning Portal website was:

Table 2 – Number of responses received by consultees

| Type of Stakeholder | Number of Comments Received |
|--|-----------------------------|
| Statutory Stakeholders | 17 |
| Local Authorities | 8 |
| RBC Ward Members | 2 |
| Parish Council | 7 |
| Neighbouring Landowners and Adjoining Stakeholders | 5 |
| Non-Statutory Stakeholders | 40 |
| Total | 79 |

¹ <https://planningon-line.rushcliffe.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=REUKMZNL0CB00>

3. Consultation feedback and response

3.1 Statutory consultation responses

A total of 79 comments were received from 83 stakeholders via RBC’s Planning Portal. The comments have been categorised into Local Authorities, RBC Ward Members, Parish Councils and technical, key or other statutory stakeholders and summarised in Tables 3 to 7, along with responses to the feedback received on the Draft LDO.

Table 3 – Responses to feedback received from technical stakeholders, key stakeholders, and other statutory consultees

| Stakeholder | Summary | Response |
|-------------------|--|---|
| National Highways | <p><u>19th January 2023 Response</u></p> <p>Trip Generation:</p> <p>The increase in trips on the strategic road network (SRN) during peak times in Phases 1 and 2, set out in “Response to Comments by National Highways”, is described as being ‘insignificant’ but no traffic modelling of this scenario has been undertaken and the impact of this scale of development has not been tested. It is not known if the residual cumulative impacts are severe or impacts upon highway safety are unacceptable and further assessment is required (for passenger car units).</p> <p>Vehicle movements outside peak hours (inter-peak) are also a concern as this impact has not been tested and the residual cumulative impacts are not known.</p> <p>A comparison with baseline flows for the M1 motorway does not appear to have been made, and the impact of this ‘inter-peak’ period on M1 Junction 24 is of greater concern as this is a sensitive junction of national importance as an international gateway. Assessments for other junctions on the SRN are also likely to be required too (as set out in previous consultation response).</p> <p>Site Travel Plan:</p> <p>Questions the effectiveness and enforceability of the Travel Plan and suggest an Operational Management Plan be used to restrict travel at peak periods. Condition 14 should be amended to reflect this.</p> <p>Sustainable Travel:</p> <p>It is reiterated the need for a clear sustainable transport package to facilitate the high level of rail use predicted.</p> <p>Delivery of Mitigation:</p> <p>Page 5 of the “Response to Comments by National Highways” should be amended as it is too early to conclude which organisations would deliver and fund the necessary highways mitigation (as evaluation of the impact on SRN is required before this).</p> <p>It is assumed that the Promoter will mitigate its own impact where capacity enhancements are required, delivered by the Promoter via a Section 278 Agreement with National Highways as the highway authority for the SRN.</p> <p>Boundary Matters:</p> <p>It is recommended that a condition similar to Condition 12 (for Aerodrome Safeguarding Certificate of Compliance requirement) is added to require a Highways Safeguarding Report.</p> | <p>In response to the January comments, further engagement has been carried out with National Highways (NH) to discuss amendments, in particular to the wording of Condition 6 of the LDO.</p> <p>A note, dated 27th January 2023, was issued to NH and Local Highways Authorities regarding a revised approach to the phasing of development. This note is included as Appendix A1.</p> <p>NH’s response dated 6th April 2023 (Appendix A2) expresses its support for the LDO and includes recommendations for revisions to conditions, which are largely accepted. A further response to these conditions has been made in a further Note dated 5th May (Appendix A3).</p> <p>Through this dialogue, a pragmatic approach has been taken which will enable development to commence, subject to conditions that will control delivery and manage the potential impact on the highway network.</p> <p>As agreed by NH, Condition 6 would now permit a quantum of development or number of associated trips, equivalent to the current levels generated by the power station, to take place without further modelling work. A second and third tranche of development can then only be brought forward following traffic modelling to assess impacts on Junction 24 of the M1 and the wider network; and it has also been agreed by the Council that traffic levels would not result in an unacceptable safety impact or severe impacts on the operation of the highway. In the case of the third tranche, the condition anticipates the need for holistic mitigation schemes to be designed and arrangements put in place for their delivery prior to further development proceeding.</p> <p>As drafted by NH, the condition could be interpreted as including trips generated by construction and demolition activity; this is not considered appropriate, due to the temporary and variable levels of such traffic and because construction impacts will be considered under Condition 7. It is therefore proposed to replace the word ‘total’ with ‘operational’.</p> |

| Stakeholder | Summary | Response |
|-------------|---|--|
| | <p>Summary:</p> <p>It is recommended that further assessment is undertaken in a staged approach, scoped out and agreed with NH and Local Highway Authorities.</p> <p><u>6th April 2023 Response</u></p> <p>National Highways refers to the further constructive engagement with the Site Promoters (RBC and Uniper as landowner) and characterises their response as a pragmatic position which supports the LDO, whilst safeguarding their network via suitably worded conditions.</p> <p>In respect of Condition 6, National Highways supports the latest approach, enabling a smaller proportion of the LDO Site to be brought forward without further modelling. Some minor changes to the wording of the condition are proposed.</p> <p>In respect of Condition 10, National Highways proposes that a requirement for a Sustainable Transport Strategy, including walking and cycling, is substituted for the Public Transport Strategy and that this includes a specific target of 14% for rail travel to the Site. National Highways also requests that a Plot Specific Transport Statement is submitted with each application for a Certificate of Compliance.</p> <p>A new condition is proposed to require a Highways Safeguarding Plan, which would consider and mitigate any physical impacts from the development on the strategic road network.</p> <p>Finally, National Highways proposes amendments to Condition 7, requiring a Construction Code of Practice, making it explicit that this should include a Construction Traffic Management Plan, identifying and mitigating the likely impact of construction traffic.</p> <p><u>25th May 2023 Response</u></p> <p>In response to representations made in an Arup Transport Note dated 5th May, National Highways has agreed, subject to minor wording amendments, to the suggested changes to the of conditions, including the change in wording in Condition 6 from ‘total’ to ‘operational’ trips; and also changes to Condition 10, including omitting the requirements for a 14% target for rail travel and for a plot specific Transport Statement.</p> | <p>Condition 7 of the LDO seeks to control the construction impacts of the development by requiring developers to submit a Code of Construction Practice (CoCP) for approval by the Local Planning Authority. NH’s proposal, set out in its 6th April response (Appendix A2), is that the CoCP should include a Construction Traffic Management Plan. This is accepted and helps clarify the relationship between this condition and Condition 6.</p> <p>It is considered that the Travel Plan requirements are sufficiently robust and enforceable as drafted. This includes the requirement for both a Site Wide Travel Plan and a Plot Specific Travel Plan (PSTP) for each individual development, including the requirement to monitor actual trips and working patterns. Failure to adhere to the Travel Plan or exceedance of the trip limits set out in Condition 6 would enable the Council to take enforcement action as in any planning condition and to refuse any subsequent applications for Certificates of Compliance.</p> <p>Following the Summer 2022 consultation, and in response to feedback from the LHAs, LDO Condition 10 was also revised to require the submission of a Public Transport Strategy (PTS). This strategy was to include details of bus and rail integration with the Site. NH’s proposal, to expand the remit of the PTS to include “walking, wheeling and cycling infrastructure” and rename it to a “Sustainable Transport Strategy” (STS), is accepted.</p> <p>NH proposes that the STS sets out what measures will be delivered and when. It is considered that Condition 5, requiring a Transport and Biodiversity Mitigation Strategy, already meets this requirement. Similarly, NH’s request to single out a specific target of 14% for rail travel is not required to achieve an appropriately mixed sustainable transport solution tailored to suit the operational requirements of occupiers. It would also be difficult for the LPA to enforce a target specifically for rail travel.</p> <p>NH also suggests a Plot Specific Transport Statement (PSTS) should be provided. However, with the PSTP providing details of sustainable transport measures and trip generation, and the Transport and Biodiversity Mitigation Strategy setting out delivery of transport mitigation, it is not considered that a PSTS would be necessary.</p> <p>NH’s comments regarding the Promoter being responsible for the design, delivery and funding of mitigation are acknowledged. The holistic transport solution for this area is likely to involve collaboration between a number of different Promoters working together with NH. A bespoke arrangement is</p> |

| Stakeholder | Summary | Response |
|--|---|---|
| | | <p>likely to be required to coordinate the efforts of these parties.</p> <p>The requirement for a safeguarding report for the Public Highway is included as an item in the checklist for a Certificate of Compliance, but NH has requested a new condition to reinforce this requirement. This is accepted and a new condition has been included in the LDO.</p> <p>In its 25th May 2023 response (Appendix A4), NH has confirmed that, subject to some minor wording changes, it is content with the final drafting of the four conditions and no further response is required.</p> |
| NATS Safeguarding | NATS anticipate no impact from the proposal and has no comments to make on the LDO. | Comment noted, no response required. |
| The Coal Authority | The site lies off the coalfield. Previous comments (dated 27 th July 2022) made by The Coal Authority remain valid and relevant to the decision-making process. | Comment noted, no response required. |
| Sport England | Do not wish to amend or alter initial response dated 15 th August 2022. | Comment noted, no response required. |
| RBC Environmental Sustainability Officer | Satisfied that the proposed revisions appear to be appropriate and have no further comments to make. | Comment noted, no response required. |
| Canal and River Trust | No further comment to make. | Comment noted, no response required. |
| Natural England | No other comments to make further to previous response on 23 th August 2022. | No response required. |
| Nottinghamshire Wildlife Trust | <p>Nottinghamshire Wildlife Trust would like to see an ambitious 20% Biodiversity Net Gain, if viable to create an exemplar development.</p> <p>The following proposed amendments to the design guide are welcomed:</p> <ul style="list-style-type: none"> • Corrections to the map to show existing biodiversity areas. • Amendment to encourage use of green roofs. However, would prefer to see a commitment to a proportion of buildings featuring green roofs or enhancements, as there is a risk all buildings will be deemed unable to support green roofs/ecological features. • Greater emphasis on biodiversity and habitat connectivity. However, would prefer to see a commitment for sustainable drainage systems and permeable paving rather than stating “where possible”. • EIA Demolition Appraisal. | <p>The Design Guide is deemed to have set high standards for design, landscaping, and Biodiversity Net Gain (BNG). Although there is currently no mandatory requirement for BNG, the LDO has set a minimum of 10% net gain, which exceeds current local policy and prepares for future legislation such as the Environment Bill.</p> <p>Firm commitments to specific measures are not practicable, given there is scope for a wide range of development requirements on individual plots and, in the case of green roofs, the addition of solar photovoltaics (PV) may be an appropriate alternative. It will be for the Council to assess, in each case, whether the case for measures not being delivered is sound.</p> |
| East Midlands Airport | East Midlands Airport is content with the inclusion of Condition 12 in relation to the safeguarding of aircraft operations at the airport and has no further comments to make. | Comment noted, no response required. |
| Nottinghamshire Police Designing Out Crime Officer | Additional queries have been raised regarding security measures, primarily around the retained substations, by Counter Terrorist Security Advisors (CTSA). This includes: | In the absence of detailed development proposals, it is not possible to categorically answer the CTSA’s queries, but the substations will remain a separate and self- |

| Stakeholder | Summary | Response |
|--------------------------------|--|--|
| | <ul style="list-style-type: none"> Asking whether site security measures and glazing in/around public spaces will be retained. Stating that hostile vehicle mitigation would need to be installed in public areas, lighting should provide appropriate coverage. Advises that policies for vehicles entering site is put in place. <p>CTSA request further progressions to the LDO are consulted with them. Their main concerns surround the existing high security substations as part of the National Grid and proposed road that would run between the two substations.</p> | <p>contained part of the Site and it is envisaged that appropriate security fencing and other measures will be in place prior to LDO development taking place. The requirement to take account of the CTSA's recommendations and for consultation with them in respect of applications for Certificates of Compliance are noted and will be incorporated into the LDO and Design Guide Principle A11.</p> <p>CTSA will be consulted regarding any other changes to the LDO.</p> |
| Environment Agency | <p>The Environment Agency (EA) is satisfied with the included 'unidentified contamination' conditions, which offer the required safeguards to the development, and the inclusion of other suggested conditions. Pleased with the inclusion of conditions relating to foul drainage, an operational management plan and contamination and reference to the need for a variation to the abstraction licence.</p> <p>Strongly recommend that substantial consideration is given to maximising opportunities for delivering BNG on site as there is an opportunity to create an exemplar site.</p> <p>The EA welcomes the inclusion of a fish pass as part of the environmental mitigation required for BNG. It is noted that the proposed fish pass may require a flood risk activity permit under The Environmental Permitting (England and Wales) Regulations 2016.</p> <p>Environmental permits advice is set out and the applicant should not assume that a permit will automatically be forthcoming.</p> <p>Comments on flood risk and regulated industry from the last round of consultation are still valid.</p> | <p>The LDO and Design Guide have set high standards for design, landscaping, and BNG. Although there is currently no mandatory requirement for BNG, the LDO has set a minimum of 10% net gain, which exceeds current local policy and prepares for future legislation such as the Environment Bill.</p> <p>The fish pass is one specific potential measure that could be provided as part of the environmental gains required, as discussed in Section 3.3 of the LDO. Its potential implementation would be subject to design and costing considerations and gaining planning permission and any other statutory approvals.</p> <p>Section 2.6 of the LDO highlights the need for potential developers to liaise with the EA and other statutory bodies to ensure that the correct permits and licences are obtained.</p> |
| Historic England | <p>Historic England (HE) does not object to the Local Development Order for the Ratcliffe on Soar Power Station Site.</p> <p>HE welcomes the proposed iterative approach in respect of archaeological matters and confirm previous contact with the organisation as set out in the submitted report.</p> <p>HE refers the consultants to their expertise in archaeological and historic buildings and advice, to address the setting impacts of the redevelopment on heritage assets in subsequent detail applications.</p> | No response required. |
| HS2 Ltd | <p>HS2 is supportive of setting up a working group to develop a holistic approach to transport improvements and is willing to be involved.</p> <p>In the SCI addendum, Section 3.1 conflates the issue of impact of demolition with traffic and transport and these are separate issues.</p> <p>Unclear whether HS2 has been considered as a permitted development in the EIA cumulative assessment.</p> <p>HS2 would welcome ongoing consultation as part of the planning process, given potential for timing of HS2 works to coincide with demolition of the power station.</p> | <p>HS2's support for and willingness to be involved in developing a holistic solution to transport and highway issues is welcomed.</p> <p>It is accepted that HS2's transport and demolition concerns are separate matters and the relevant section of the first SCI addendum will be amended accordingly.</p> <p>HS2 has been included as a committed development in the cumulative assessment in the EIA (Cumulative Assessment Volume 2, Chapter 19, Section 19.3.4.).</p> |
| RBC Emergency Planning Officer | No further comments to make. | No response required. |

| Stakeholder | Summary | Response |
|-----------------------------------|---|---|
| RBC Conservation Officer | No further comments to make. | No response required. |
| Severn Trent Water (Water Design) | No comment. Without specific information, the team cannot provide a firm offer on the works required. This detail will come once the development comes forward. | No response required. |
| Ruth Edwards MP | <p>Supportive of this Freeport development and the aims of the Ratcliffe on Soar site as a development that will drive economic growth and form a key part in delivery of the Net Zero by 2050 target and the Governments Energy Security Strategy.</p> <p>Development:</p> <p>Welcomes the commitment to achieve a biodiversity net gain of 10% following the completion of the development and is pleased to see the revised LDO contains increased measures to limit any impact to the land south of the A453 on neighbouring villages.</p> <p>Further welcomes revisions to the LDO specifying that the Southern Area of the site is limited specifically to low carbon energy production and storage, or manufacturing uses for delivering Net Zero. It is suggested that this part of the site (south of the A453) should only be developed to help achieve the transition to Net Zero. Additionally, each new building should incorporate solar panels to help further the green energy production aims of the site.</p> <p>Traffic:</p> <p>Supportive of the transport related revisions to the LDO. Especially welcomes the traffic management study for local roads but notes that it should also include provision to assess the impact of traffic outside local schools.</p> <p>Pleased that a public transport strategy has been incorporated into the revisions of the LDO to maximise the amount of people travelling to the site via bus or train and thus reducing the number of cars on the road. It is suggested that the transport management study's scope be expanded to include active travel such as cycle or walking routes to or from the site and look at feasibility of extending tram links to the site.</p> | <p>The local MP's support for the LDO is welcomed.</p> <p>Development:</p> <p>Broadly in alignment with the MP's comments, Design Guide Principle LU6 requires that development in the Southern Area must demonstrate compliance with the first two characteristics of acceptable uses, these being production of or use of technology to deliver the net-zero transition and low-carbon or green energy uses.</p> <p>Design Guide criteria A3 was revised to require roof space of individual buildings to be utilised for solar and/or biodiversity purposes, unless it can be shown why this cannot be achieved. It is considered that this criterion strikes an appropriate balance between encouraging installation of either green roofs or solar PV as a default position, whilst providing for exceptions where this is not possible.</p> <p>Traffic:</p> <p>Under the provisions of the LDO a traffic management study will be funded for affected areas, including Ratcliffe-on-Soar, East and West Leake, Kingston-on-Soar and including Kegworth Road, Gotham Road and West Leake Lane. The scope of this study will be defined by the LPA in consultation with the Local Highway Authority(ies).</p> <p>The Transport Assessment, Site Wide Travel Plan Framework and the Transport Note describe a package of measures proposed to improve public transport connectivity, including rail, and to encourage cycling and walking.</p> <p>These measures include provision of a shuttle bus linking the individual plots to the railway station and interchange points with public bus 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; support for cycleway improvement, employing a Travel Plan coordinator to promote sustainable travel; and employee incentives to use public transport.</p> <p>Condition 10 also requires developers to provide a Sustainable Transport Strategy. Following the comments received from National Highways, the scope of this strategy has been widened to incorporate walking and cycling as well as public transport.</p> |

| Stakeholder | Summary | Response |
|-------------|---------|--|
| | | The potential for extension of the NET tram service beyond the Clifton Park and Ride site is a decision for others. The Skylink Express which stops at Clifton South Park and Ride would provide a connection between the NET tram and the Site. The Site shuttle bus would also connect with the Park and Ride Site. However, the Site will have a reserved land corridor for the NET tram to pass through the Site, should an extension to East Midlands Parkway or the airport be proposed in the future. |

Table 4 – Responses to representatives received from Local Authorities

| Stakeholder | Summary | Response |
|---|--|---|
| Derbyshire County Council Planning Policy | <p>Welcome the changes but raise some issues:</p> <ul style="list-style-type: none"> Any amended bus service should be in place prior to or upon the first commercial operation of the redeveloped site. Taster tickets should be provided to commercial occupants for staff to encourage bus patronage. The potential for rail should be maximised. Rail should be a part of the development, coupled with the provision of shared mobility facilities. For cycling and walking, direct, safe and traffic separated routes within the development to main employment and service centres should be provided, in addition to links with existing rights of way and EV charging points should be provided. A suitable steering group or its equivalent should be established to input on the Travel Plan as the context will be continuously developing. And appropriate funding should be set aside to promote/coordinate sustainable travel initiatives across the site. A car share club should also be explored to reduce journeys. The opportunity for the site to become a national exemplar in the circular economy field should be capitalised upon. | <p>The Transport Assessment, Site Wide Travel Plan Framework and the Transport Note describe a package of measures proposed to improve public transport connectivity, including rail, and to encourage cycling and walking.</p> <p>These measures include provision of a shuttle bus linking the individual plots to the railway station and interchange points with public bus 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; support for cycleway improvement, employing a Travel Plan coordinator to promote sustainable travel; and employee incentives to use public transport.</p> <p>Condition 10 also requires developers to provide a Sustainable Transport Strategy. Bus service provision is a matter for the Local Transport Authorities and private bus operators, based on demand and resources and the LDO can only make proportionate and reasonable contributions.</p> <p>Section 8.2.3. of the amended Site Wide Travel Plan Framework includes for the provision of free public transport passes for employees for an introductory period and, in the interim, a free shuttle bus service.</p> <p>Section 2.2.3. of the LDO Site Wide Travel Plan Framework provides details of mobility hubs and shuttle buses. This plan, the Transport Assessment and the December Transport Note also describe a package of measures proposed to improve public transport connectivity and to encourage cycling and walking.</p> <p>The Site Wide Travel Plan Framework aims to raise employee and visitor awareness of sustainable travel opportunities and their benefits, including but not limited to:</p> <ul style="list-style-type: none"> “How to contact the Travel Plan Coordinator; The bus and rail services which are available; |

| Stakeholder | Summary | Response |
|-------------------------------|---|---|
| | | <ul style="list-style-type: none"> • The availability of on-site onward travel facilities (i.e. the private shuttle bus and shared bikes/micromobility); • The range of local facilities and amenities which are within walking distance and the health benefits of travel by foot; • Car share schemes which are available; and • The cycle parking facilities provided and the health benefits of cycling.” <p>The Site Wide Travel Plan will be monitored as it evolves by a Travel Plan Co-ordinator to monitor the travel behaviour of staff. At Section 10, the Action Plan also includes for the establishment of a Steering Group and for identification and approval of funding mechanisms.</p> <p>The Energy Strategy sets out sustainable energy use for the Site, including the potential for “more electricity to be generated on this Site than would likely be used by the buildings on this Site. This gives the opportunity for export to the grid, production of hydrogen, or for electric vehicle charging”.</p> |
| Leicestershire County Council | <p><u>19th January 2023 Response</u></p> <p>Advise that the residual cumulative impacts of the development are severe in accordance with the National Planning Policy Framework (2021) and advise the LPA to consider refusal on transport/highway grounds.</p> <p>Reasons for suggesting refusal:</p> <ul style="list-style-type: none"> • The applicant has failed to demonstrate that any significant impacts of the development on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated, contrary to NPPF paragraphs 110 and 111. • Previous comments still apply in respect of the model not validating to WebTAG criteria, issues with junction calibration, no finessing of flows, no queue length validation and therefore concerns with the validity of outputs. • Impacts on SRN and local networks have not been addressed using additional modelling and the approach taken in “Response to Comments by National Highways” with Condition 6 does not meet the tests as set out in the NPPF. <p>Issues raised with the methodology used to make assumptions for Condition 6:</p> <ol style="list-style-type: none"> a) No phased testing of phases 1 and 2 has been carried out to demonstrate the impact on the strategic and local road networks in either a strategic model or local junction models. b) The assumptions have been made based on vehicle numbers and not Passenger Car Units. c) The assumption includes for the cessation of a number of uses, including on phase 3, but there is | <p>A response note has been issued to National Highways and Local Highways Authorities and there has been ongoing engagement with National Highways regarding a revised approach to the phased development of the Site (refer to Appendices A1 to A4). We note that additional modelling had been requested but this will take significant time and there is concern that this would negatively impact on the ability to meet the Government’s Freeport programme and potentially deter investment.</p> <p>During the initial phases of the development, the impact on Local Roads, including those in Leicestershire, will not be significant. The Transport Notes of October 22 (Table 4) and January 23 (Section 5) highlight this, reporting that vehicle trips on Local Roads would be <10 veh/hour, and therefore not considered significant. NCC have acknowledged this in their response and accepted that for later stages a holistic solution should be in place before allowing further development to take place. The provision of additional capacity on the SRN will mitigate potential impacts on local roads.</p> <p>Noting NH’s supportive comments regarding Phase 1 development, a pragmatic approach has been agreed with NH which would enable development to commence in a limited way that should not cause undue impact on the highway network. This would allow sufficient time to progress the modelling of subsequent phases and determine the need for any mitigation.</p> |

| Stakeholder | Summary | Response |
|------------------------|--|---|
| | <p>no condition to provide comfort that these uses will cease.</p> <p>d) Failure to assess significant off-peak trip generation, and associated impacts on the local and strategic highway networks, and no associated controls on shift working patterns.</p> <p>The LHA flags that it is unclear of the process of issuing a Certificate of Compliance in response to page 18 of the Local Development Order and Statement of Reasons.</p> <p>The LHA will be interested to see measures in the Travel Plan and Public Transport Strategy detailing how such significant modal shift will be achieved.</p> <p><u>7th June 2023 Response</u></p> <p>LCC had been invited to comment on the latest position reached following discussions with National Highways and as set out in the National Highways section of this table. They confirm that they had received letters issued by National Highways in response to the LDO and that these do not change their position, as set out in their response of 19th January 2023, reported above, i.e. they recommend that the application is refused.</p> | <p>The revised approach is summarised under the response to National Highways' comment, set out in the first row in Table 3 of this document. This would prevent the construction or occupation of buildings exceeding a floorspace limit or specific thresholds of vehicle trip generation to/from the Site, until traffic modelling has been undertaken to assess impacts on Junction 24 of the M1 and the wider network; and it has also been agreed by the Council that traffic levels would not result in an unacceptable safety impact or severe impacts on the operation of the highway. See Appendix A3 for the response note issued to National Highways in May 2023, concerning transport mitigation.</p> <p>Transport mitigation will be delivered via the Biodiversity and Transport Mitigation Strategy, required by Condition 5. The process for approval of these measures is set out within the LDO.</p> <p>Whilst LCC maintain their objection it is considered that the conditions as drafted, and agreed by National Highways, would prevent unacceptable road safety impacts or severe impacts on the operation of the highway.</p> |
| NCC Minerals and Waste | <p>The County Council wishes to revise previous observations on mineral safeguarding for the proposed LDO.</p> <p>The Council wants to ensure that British Gypsum is consulted, and its comments are taken into account to prevent unnecessary sterilisation of gypsum.</p> <p>The County Council is willing to meet with Rushcliffe BC, British Gypsum, and Uniper (owner of the Site) to discuss this matter further.</p> <p>The Council wants to ensure the best and sustainable use of the fly ash resource and prevent sterilisation.</p> <p>The Winking Hill ash site is subject to restoration controls, and the County Council will enforce restoration if development does not proceed in a timely manner to ensure the Green Belt site is not abandoned.</p> | <p>The revised response is noted, alongside representations received from British Gypsum.</p> <p>In light of the claim by British Gypsum, Condition 19 has been added to the LDO to allow for investigation into the economic viability of extracting gypsum and to ensure that any reserves that can be extracted economically within a reasonable timeframe are able to be mined in such a way as to not prejudice delivery of the LDO (see response to British Gypsum in the last row in Table 7 of this document and Condition 19 of the LDO and Statement of Reasons document).</p> <p>It is important to note that the LDO does not grant consent for any mineral extraction and this condition in the LDO does not make any judgement on whether the minerals can be recovered in an acceptable manner nor whether any planning permission for minerals extraction should be granted. Any such mineral recovery would need to be assessed via a separate planning application to the minerals authority, supported by appropriate application documentation and assessments.</p> <p>Condition 16 of the LDO requires submission of a strategy for ensuring best and most sustainable use of fly ash from the Site.</p> |
| NCC Flood Risk Officer | <p>No objection and recommend approval of planning subject to condition:</p> <p><i>“No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy, has</i></p> | <p>The positive recommendation is noted.</p> <p>In respect of the recommended condition, it is considered that there already suitable conditions and requirements included in the LDO in respect of surface water drainage:</p> |

| Stakeholder | Summary | Response |
|---|---|--|
| | <p><i>been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:</i></p> <ul style="list-style-type: none"> <i>Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.”</i> | <ul style="list-style-type: none"> The LDO supporting documents include a Surface Water Drainage Strategy that sets out the high-level strategy for the Site. Condition 11 requires an overall phasing plan to be produced prior to any development to set out how infrastructure, including drainage, is to be delivered to accommodate development of individual plots. Condition 13 requires details of surface water drainage for each plot, as part of the application for a Certificate of Compliance for that plot. |
| <p>North West Leicestershire District Council</p> | <p>The Council welcomes changes to height parameters of the scheme, but suggest the wording of the requirement to be strengthened by amending BH2 of the Design Guide to “unless it is <i>conclusively</i> demonstrated to the Council that this is necessary <i>essential</i> for the proposed use”. Additionally, the 20% limit should apply to floorspace rather than plot area.</p> <p>Question as to whether landscaped bunds have been considered along the southern boundary of Plot I, as it is not clear if they have been considered.</p> <p>It is noted, alongside information provided regarding emerging development in the surrounding area, that sites being identified at Kegworth and Castle Donnington for new development as part of the new Local Plan will impact on the capacity of M1 Junction 24 and possibly elsewhere on the SRN. Growth being planned through the new North West Leicestershire Local Plan must be factored into the holistic modelling.</p> <p>It is not clear what arrangements will be put in place to ensure a co-ordinated approach to a holistic transport solution will be achieved and how the modelling will be shared amongst the developments coming forward. NWLDC has significant concerns that the wording of Condition 6 and the general approach to the issue of impact on the road network.</p> <p>NWLDC welcomes the requirement for a Public Transport Strategy and suggests that the extension of the tram network continues to be explored as a public transport option for the site.</p> <p>The local roads transport management study must also consider the impact on Kegworth as it is likely traffic will route through Kegworth to avoid M1 Junction 24.</p> | <p>The proposed wording of Principle BH2 in the Design Guide is considered sufficiently robust and the proposed wording changes would set an unnecessarily rigorous test.</p> <p>The use of landscaped bunds is not explicitly proposed since such a feature is considered unnecessary, could appear artificial and might compromise the type of native planting that could be implemented.</p> <p>The general support for a holistic approach to transport mitigation is noted, along with the list of potential development that might come forward within Leicestershire. Condition 6 contains the control mechanism by which development within the LDO cannot proceed until additional modelling is undertaken and mitigation is implemented.</p> <p>The Council is satisfied that this condition is proportionate and enforceable.</p> <p>The potential for extension of the NET tram service beyond the Clifton Park and Ride site is a decision for others. The Skylink Express which stops at Clifton South Park and Ride would provide a connection between the NET tram and the Site. The Site shuttle bus would also connect with the Park and Ride site.</p> <p>The Site will have a reserved land corridor for the NET tram to pass through the Site, should an extension to East Midlands Parkway or the airport be proposed in the future.</p> <p>The scope of the local roads Transport Study will be determined in consultation with the relevant Highway Authorities and be cognisant of the likelihood and scale of potential impacts; NWLDC’s desire for this to include Kegworth is noted.</p> |
| <p>Nottinghamshire County Council Highways</p> | <p><u>18th January 2023 Response</u></p> <p>Phases 1 and 2 of the development will result in a net increase of 35 vehicles in the morning peak and 120 vehicles in the evening peak, but it is expected that shift patterns will not coincide with peak hours.</p> <p>The Highway Authority is satisfied that the levels of additional traffic will not impact the local road network</p> | <p>NCC’s conclusion that, subject to National Highways (NH) being satisfied that there is capacity on the Strategic Road Network, it does not consider there to be an impact on the local road network, is welcomed.</p> <p>In response to a request for further modelling work by NH, engagement with NH and Local Highway Authorities has been</p> |

| Stakeholder | Summary | Response |
|-------------|---|---|
| | <p>during peak hours, subject to controlling the hours of shift changes.</p> <p>A condition has been proposed to control the levels of traffic in the morning and evening peak hours to minimise the impacts on the highway network.</p> <p>The concern is that the condition would not have any controls outside of the identified peak hours, and it would be sensible to extend the time periods where vehicles are restricted to 2–3 hour periods.</p> <p>The predicted net change in trips for the highest hourly level of off-peak vehicle generation for phases 1 and 2 combined is 1,497, and approximately 2% of these trips will be distributed to West Leake Lane and Kegworth Road, which is approximately 1 extra vehicle every 2 minutes.</p> <p>It is essential to obtain comments from National Highways in order to determine whether the likely levels of traffic would potentially have a detrimental impact on the SRN.</p> <p>Phase 3 of the development site will comprise land uses that would have a high proportion of its overall vehicle generation that would coincide with the traditional AM and PM peak periods. A significant package of highway works will be required to fully offset the development.</p> <p>The approach to the Traffic Management Study is welcomed by NCC but further comments regarding the Travel Plan and Public Transport Strategy are stated within this response.</p> <p>Comments made about the Travel Plan included the implementation, monitoring, targets and communication of the plans.</p> <p>Additional comments made about the Public Transport Strategy states the requirement for a public transport strategy to be approved before new development can be occupied and brought into use, including conditions which state a Public Transport Strategy, to the satisfaction of the Local Planning Authority, must include details of bus access and bus routes through the site, locations of bus stops and setting out arrangements for providing the services including, frequencies, routes, phasing of delivery, funding, procurement and review arrangements.</p> <p>NCC is unable to confirm its approval of the LDO until such time as National Highways have responded that they are satisfied with the impacts that phases 1 and 2 of the proposal will have on the SRN.</p> <p><u>9th June 2023 Response</u></p> <p>NCC were invited to comment on the latest position reached following discussions with National Highways and as set out in the National Highways section of this table.</p> <p>They note that, as NH have stated that they are satisfied the wording of the conditions would ensure that the SRN would not be adversely affected by the initial phases of development, this would mean that the residual impacts on the Local Road network would be minimised. They seek assurances that, if the agreed traffic levels in Condition 6 are breached, Phase 3 development would not be allowed to continue and that the condition would be enforced.</p> <p>They comment on NH's acceptance that Condition 6 would only apply to operational trips generated by the</p> | <p>conducted regarding a revised approach to Condition 6.</p> <p>Noting NH's supportive comments regarding Phase 1 development, a pragmatic approach has been agreed with NH which would enable development to commence in a limited way that should not cause undue impact on the highway network. This would allow sufficient time to progress the modelling of subsequent phases and determine the need for any mitigation.</p> <p>The revised approach is summarised under the response to National Highways' comment, set out in the first row in Table 3 of this document. This would prevent the construction or occupation of buildings exceeding certain sizes or specific thresholds of total vehicle trip generation to/from the Site, until traffic modelling has been undertaken to assess impacts on Junction 24 of the M1 and the wider network; it has also been agreed by the Council that traffic levels would not result in an unacceptable safety impact or severe impacts on the operation of the highway. See Appendix A3 for the response note issued to National Highways in May 2023, concerning transport mitigation.</p> <p>Comments regarding the Travel Plan have been addressed in a revised Site Wide Travel Plan Framework which accompanies the LDO.</p> <p>The Transport Assessment, Site Wide Travel Plan Framework and the Transport Note describe a package of measures proposed to improve public transport connectivity, including rail, and to encourage cycling and walking.</p> <p>These measures include provision of a shuttle bus linking the individual plots to the railway station and interchange points with public bus 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; support for cycleway improvement, employing a Travel Plan coordinator to promote sustainable travel; and employee incentives to use public transport.</p> <p>Following the Summer 2022 consultation, and in response to feedback from the LHAs, the LDO Condition 10 was also revised to require the submission of a Public Transport Strategy (PTS). This strategy was to include details of bus and rail integration with the Site. NH's proposal, to expand the remit of the PTS to include "walking, wheeling and cycling infrastructure" and rename it as a "Sustainable Transport Strategy" (STS) is accepted.</p> <p>Transport mitigation will be delivered via the Biodiversity and Transport Mitigation Strategy, required by Condition 5. The</p> |

| Stakeholder | Summary | Response |
|--------------------------|---|--|
| | <p>Site, whereas the impact of construction trips would be considered under the requirement for a Construction Traffic Management Plan, required by Condition 7.</p> <p>They say that whilst they understand the rationale behind NH's comments, they will need clarification as to how the applicant is going to identify between the operational and construction vehicles for reporting purposes. For example, are there going to be routes where the differentiation can be made for the traffic data? They would also wish to know how the data is proposed to be provided to them for assessment, as well as its frequency during the monitoring periods.</p> | <p>process for approval of these measures is set out within the LDO.</p> <p>In their 9th June 2023 response it is noted that NCC maintain their view that, provided NH are content that impact on the SRN is acceptable, this would mean there would be no undue impact on the county road network.</p> <p>Given the acknowledged greater impact of Phase 3 development and need for a holistic solution they ask for reassurance that this development would not be allowed to continue in the absence of an agreed solution.</p> <p>Condition 6 contains a robust and enforceable mechanism for preventing occupation of development generating trips in excess of agreed and modelled limits.</p> <p>NCC acknowledge that it is not possible to calculate, as yet, unknown construction trips and so Condition 7 is an appropriate mechanism for controlling and mitigating impacts from construction, as agreed by NH. The Management Plan required by Condition 7 will include arrangements for monitoring and reporting construction related trips.</p> |
| Erewash Borough Council | The Council notes the amendments which in our view would contribute towards improvements to the various proposals across the LDO site whilst mitigating the overall impacts of development at the site. | Comment noted, no response required. |
| South Derbyshire Council | The proposal would not materially affect the amenities of South Derbyshire District residents and therefore have no objections. | Comment noted, no response required. |

Table 5 – Responses to representations received from Rushcliffe Borough Council Ward Members

| Stakeholder | Summary | Response |
|-------------------|---|---|
| Cllr Carys Thomas | <p>Object to the LDO proposal. The points below provide a summary of requested changes to the LDO:</p> <ul style="list-style-type: none"> • Tightening the robustness of mechanisms for securing financial contributions. • Ensuring democratic involvement of certificate of compliance. • Providing further info on traffic management study for local roads. • Guaranteeing a site shuttle bus extension to Clifton Park and Ride. • Engaging in public consultation for a public transport strategy and site-wide management plan. • Expanding cycle routes. • Instating a requirement for solar panels on 80% of roof space. • Providing a site wide vision on solar power generation and storage. • Tightening rules on 40 m buildings on southern plot. | <p>Financial Contributions:</p> <p>Unlike planning applications, S106 obligations cannot be required under an LDO. The LDO can require mitigation to be provided and, if a payment is offered by a developer in order to mitigate impacts, this can be offered through a S106 agreement.</p> <p>Any mitigation should address the impacts of the LDO and not address pre-existing issues around rural transport and movement or impacts from other development.</p> <p>Given that development approved under the LDO could take a number of forms and over a significant timeframe, it is not possible to quantify the financial cost of any mitigation. Instead, the approach is to identify the types of mitigation required and for these to be delivered via the Mitigation Strategy required by Condition 5. This Strategy will be updated in an iterative process and informed by appropriate modelling and studies.</p> |

| Stakeholder | Summary | Response |
|-------------|--|--|
| | <ul style="list-style-type: none"> • Adding further screening and landscape on southern plot. • Providing details of district heating scheme infrastructure. | <p>The Transport Assessment identifies that 96% of the trips generated by the Proposed Development in the AM and PM peak hours would use the A453 East or West to access the Site and relatively few trips would access via local roads. However, to address local concerns regarding vehicle speeds and highway safety, it is proposed that the LDO requires that a contribution is made towards a traffic management study around Ratcliffe-on-Soar, East and West Leake, Kingston-on-Soar and including Kegworth Road, Gotham Road and West Leake Lane.</p> <p>Public Consultation:</p> <p>Given the ethos of the LDO process, to streamline the approval process to maximise the attractiveness of the Site to investment, it is not generally considered appropriate to undertake further extensive public consultation on individual strategies and plans.</p> <p>It is correct that such a study, and other studies and Strategies, should be scoped in consultation with the relevant highway authorities, based on predicted impact.</p> <p>Public Transport:</p> <p>The mitigation requirements include for provision of a shuttle bus service that connects to the Clifton Park and Ride site.</p> <p>Certificates of Compliance:</p> <p>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.</p> <p>Design Guide:</p> <p>The LDO Site includes an area of 10 ha for provision of solar power and the Design Guide criteria A3 requires the roof space of individual buildings to be utilised for solar and/or biodiversity purposes, unless it can be shown why this cannot be achieved. Given the unknown factors influencing the design and ability to utilise roofs for either of these purposes, it is not considered appropriate to impose a quota for the percentage use.</p> <p>The maximum height of buildings on the Southern Area has been significantly reduced and only generally permitted up to 30 metres. The ability to go up to a maximum of 40 metres is restricted to a maximum of 20% of the plot area, only if it is demonstrated as</p> |

| Stakeholder | Summary | Response |
|-------------------------|---|--|
| | | <p>necessary for the proposed use, that there are no reasonable alternative solutions and that it has been designed to minimise its visual impact. It is considered that the combination of these limitations and controls would provide sufficient enforceability and provide the right balance between visual impact and attracting investment.</p> <p>Energy:</p> <p>There is no certainty that the EMERGE Centre energy from waste plant would be constructed and it is not part of the LDO proposals. However, as recognised in the Energy Strategy, the EMERGE Centre could potentially generate electricity and district heating which could be supplied to other buildings on the Site. Wording in Principle IS2 of the Design Guide has been revised to require developers to demonstrate how energy demand has been reduced through design and how the opportunities for shared energy and heat have been explored. This is considered the correct and proportionate approach.</p> |
| <p>Cllr Matt Barney</p> | <p>More full, local and comprehensive traffic modelling must be done to provide an overarching transport assessment of all modes.</p> <p>Request the applicant and relevant local authorities consider working with the Strawberry Woods Community Interest Company that has been formed to purchase, enhance and protect 56 acres of mature woodland located between the proposed LDO site and Gotham which could help support the LDO's biodiversity net gain.</p> <p>Concerns that assurance has not been given to ensure that the oak woodland corpse (south of development) will be protected/maintained are raised.</p> <p>Some of the September 2022 comments are still relevant in relation to local traffic, impact on Winking Hill Farm, buffer planting and removal of mature woodland to the south, wildlife and biodiversity, only allowing the occupancy of businesses with clear environmental merit, further encouraging public transport, cycling, walking, rail, and heat recovery used from the EMERGE Centre.</p> | <p>It is recognised that transport impacts will require a holistic approach and this is set out in Condition 6. In recognition of ongoing requests for modelling work, a second Transport Note issued to National Highways (refer to Appendix A3) has been created in response to comments from all Highway Authorities, outlining the revised approach to providing appropriate mitigation measures. Condition 6 has been revised following the outcome of these discussions.</p> <p>The Transport mitigation strategy and Travel Plans will provide for significant encouragement and support for a modal shift towards rail, bus, cycling and walking.</p> <p>Once the LDO is adopted, the potential to utilise specific land, such as Strawberry Woods, for BNG purposes will be considered in relation to the Biodiversity approach set out in Section 3.3 of the LDO.</p> <p>The areas of planting within the Site to be retained, enhanced or subject to new planting are detailed on the Strategic Landscape parameter plan. This is considered to be an appropriate balance of providing land for development, landscape screening and biodiversity.</p> <p>There is no certainty that the EMERGE Centre energy from waste plant would be constructed and it is not part of the LDO proposals. However, as recognised in the Energy Strategy, the EMERGE Centre could potentially generate electricity and district heating which could be supplied to other buildings on the Site. Wording in Principle IS2 of the Design Guide has been revised to require developers to demonstrate how energy demand has been reduced through design and how the opportunities for shared</p> |

| Stakeholder | Summary | Response |
|-----------------------|--|---|
| | | <p>energy and heat have been explored. This is considered the correct and proportionate approach.</p> <p>The Vision for the Site is for a green industrial park and the characteristics of acceptable uses and Principle LU6 of the Design Guide ensures that development will accord with the Vision. In order to secure a viable and attractive site and attract a range of potential investors, it is not considered reasonable or practicable to be more prescriptive or restrictive as to the specific uses permissible on the Site.</p> |
| Councillor Rex Walker | <p>A joint consultation response was made by five Parish Councils/Meetings and Cllr Rex Walker, in response to the revised draft LDO. Cllr Walker is aligned with the matters raised in the joint parish consultation comment, which expresses concerns regarding the following subjects:</p> <ul style="list-style-type: none"> • Green Belt • Transport • Design Guide • Biodiversity Net Gain • Decision Making <p>A full summary of this comment can be found on Page 26, in Table 6 of this SCI under “Joint Consultation Response: Gotham Parish Council; Barton in Fabis Parish Council; Kingston on Soar Parish Council; Ratcliffe on Soar Parish Meeting; and Thrumpton Parish Meeting”.</p> | <p>Refer to Table 6 (Page 26) of this document under “Joint Consultation Response: Gotham Parish Council; Barton in Fabis Parish Council; Kingston on Soar Parish Council; Ratcliffe on Soar Parish Meeting; and Thrumpton Parish Meeting” for response to this comment from Cllr Rex Walker and the five Parish Councils/Meetings.</p> |

Table 6 – Responses to representatives received from Parish Councils

| Stakeholder | Summary | Response |
|---------------------------|---|---|
| East Leake Parish Council | <p>East Leake Parish Council agreed to support the proposed revisions but have the following comments:</p> <ul style="list-style-type: none"> • As this is a proposal for a green industrial park, it is suggested that solar panels are placed on buildings. • Public transport and traffic management strategy should both go out for consultation. • Democratic involvement in issuing certificates of compliance is needed. • Details concerning the impacts on the surrounding village and country roads show no cycle routes or buses from East Leake and details are very vague. | <p>Solar Panels:</p> <p>The Site includes a dedicated 10 ha plot for solar PV. The Design Guide was revised to require roof space to be utilised for solar PV or green roofs if feasible, under Design Principle A3 and incorporating biodiversity into the development, in SL2.</p> <p>Public Transport:</p> <p>The Transport Assessment and Site Wide Travel Plan Framework outline measures aimed at enhancing public transportation and promoting cycling and walking. These measures will be determined following consultation with the appropriate public transport authorities and bus operators.</p> <p>Decision Making:</p> <p>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</p> |

| Stakeholder | Summary | Response |
|---------------------------|---|---|
| | | <p>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.</p> <p>Local Roads:</p> <p>The Transport Assessment identifies that 96% of the trips generated by the Proposed Development in the AM and PM peak hours would use the A453 East or West to access the Site and relatively few trips would access via local roads. However, to address local concerns regarding vehicle speeds and highway safety, it is proposed that the LDO requires that a contribution is made towards a traffic management study around Ratcliffe-on-Soar, East and West Leake, Kingston-on-Soar and including Kegworth Road, Gotham Road and West Leake Lane. The scope of this study will be determined in consultation with the relevant highway authorities based on predicted impact and trip generation.</p> |
| West Leake Parish Meeting | <p>Do not object to redevelopment but object to the LDO in its current format and particularly object to land south of A453 being developed and ask that the LDO be paused. Its correspondence to the case officer (November 2022) in respect of the impact on the Conservation Area has not been responded to.</p> <p>Issues raised by West Leake Parish include:</p> <ul style="list-style-type: none"> • Concern re the planning process for LDOs where the applicant is also the decision maker. • Development of Green Belt land where VSC have not been justified. • 40 m building height is considered too high and it is suggested that developers have to return to LPA if wanting to exceed 25 m. • There is no proposed mitigation for increased traffic movements and a better integrated transport network with a focus on reducing car use. They request a Transport Mitigation Plan be put in place and actioned upon prior to development starting. • Buildings should be covered in solar panels, levels of insulation should exceed industry standards, water reclamation systems should be in place and biodiversity should be at an exemplary level. | <p>Local Development Orders are made under planning legislation and Local Planning Authorities are encouraged to use LDOs to set the planning framework for an area where impacts would be acceptable. In particular, government has published guidelines recommending that LDOs are used for Freeport Areas in place of conventional planning processes, which can be resource heavy for Local Authorities and introduce uncertainty and delay for investors. The Ratcliffe-on-Soar LDO has been developed in accordance with the Planning Advisory Service (PAS) guidance. The LDO sets the planning framework and is designed to result in a streamlined planning process for developers, to encourage investment and regeneration. In determining Certificates of Compliance, 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.</p> <p>The Very Special Circumstances (VSC) for allowing the Proposed Development to proceed are set out in Section 7.5 of the LDO and Statement of Reasons. A main plank of the case set out in the LDO is its potential to provide significant economic and employment benefits, something supported by national government, regional agencies and emerging planning policy. The Freeport designation, which includes the Southern Area, is not in itself a principal part of the VSC case, although it is supportive as an acknowledgement of central government encouragement for employment development at this location.</p> |

| Stakeholder | Summary | Response |
|---|---|---|
| | | <p>Following the previous round of consultation, the Building Heights Parameters Plan and Design Guide Principle BH2 were revised to set a maximum 30 metre height on the Southern Area, apart from cases where an exception is justified and then on a maximum of 20% of Plot I. This is considered to strike an appropriate balance between visual impact and attracting investment.</p> <p>In respect to Transport issues, these are summarised in the response to National Highways (see first row in Table 3 of this document) and in the response note issued to National Highways and Local Highways Authorities, concerning transport mitigation in May 2032 (Appendix A3).</p> <p>Principles IS2 and A6 in the Design Guide set out a requirement to explore additional technologies that would enhance the sustainability of the development. These would be explored as detailed design progresses, and is expected to include elements such as solar PV, green roofs and rainwater harvesting.</p> |
| Kegworth Parish Council | <p>Following Kegworth Parish Council meeting 09/01/23, the comments below were made:</p> <ul style="list-style-type: none"> • The traffic management study for local roads should also include local roads in and around Kegworth and other neighbouring Leicestershire villages, not just those in Nottinghamshire. • Councillors wish to stress the importance of maintaining cross-county-boundary public transport links and connectivity with East Midlands Parkway for villages in Leicestershire and Nottinghamshire. | <p>The scope of the local roads Transport Study will be determined in consultation with the relevant Highway Authorities and be cognisant of the likelihood and scale of potential impacts; Kegworth Parish Council's desire for this to include Kegworth and other Leicestershire villages is noted.</p> <p>The desire to maintain cross-county public transport links is noted and will be considered in developing the Public Transport Strategy.</p> |
| <p>Joint Consultation Response:</p> <p>Gotham Parish Council;</p> <p>Barton in Fabis Parish Council;</p> <p>Kingston on Soar Parish Council;</p> <p>Ratcliffe on Soar Parish Meeting; and</p> <p>Thrumpton Parish Meeting</p> | <p>Green Belt:</p> <p>Whilst pleased to see a greater restriction on acceptable uses on the south site; they request that the Green Belt assessment should be updated to reflect this change.</p> <p>Allowing standard logistics development on the northern site seems at odds with the overall aims of the site.</p> <p>Transport:</p> <p>Pleased to see holistic transport study and recognise the challenges around the need to wait for more detailed proposals to come forward but seek enforceable protections against delays, assurance that funding will implement the holistic transport study's proposals, and proposals for local Parish Councils to have input to the study. Clarity on Condition 6 and traffic management for local roads is requested.</p> <p>Design Guide:</p> <p>Welcome the independent review of the Design Guide. They provide a table which assesses Mace's critical friend review of the Design Guide, alongside changes to the LDO and the Parish Councils' requests. There are a number of areas where they do not consider the changes made have addressed their concerns, including;</p> | <p>Green Belt:</p> <p>The VSC for allowing the Proposed Development to proceed are set out in Section 7.5 of the LDO and Statement of Reasons. A main plank of the case set out in the LDO is its potential to provide significant economic and employment benefits. Whilst the characteristics of development permitted on the Southern Area have been changed to reflect representations and aspirations for this part of the Site, it is not considered necessary to make amendments to the Green Belt Assessment.</p> <p>There is considerable demand for logistics development in this area, as evidenced by the recent Greater Nottingham Strategic Plan consultation and call for sites, and Nottinghamshire Core & Outer HMA Logistics Study. 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. However, the LDO seeks to strike an appropriate balance by limiting the total</p> |

| Stakeholder | Summary | Response |
|-------------|---|--|
| | <ul style="list-style-type: none"> • The approach is not visionary but a standard one • In allowing flexibility in the Design principles there are too many caveats • A Growth Board should be established • Want a commitment to not developing the south site should the Freeport proposals not come forward. • Request that the 20% allowance for necessary height increase above 30 metres on the south site be limited to 20% of the building area and not the plot. • There is too much logistics development. • Sustainability measures do not go far enough. • Opportunities for placemaking associated with HS2 should not be lost. <p>Design modifications made to minimise impact on Winking Hill Farm are welcomed.</p> <p>Biodiversity Net Gain:</p> <p>Welcome the requirement for maximisation of green roofs/solar PV. The Parishes have a number of specific suggestions for potential sites and schemes for delivery of BNG nearby and request to be meaningfully consulted as the plans develop.</p> <p>Decision Making:</p> <p>Remain concerned with the proposed decision-making process for determining certificates of compliance as this must be a process for democratic involvement and accountability of Certificate of Compliance determinations.</p> | <p>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.</p> <p>Transport:</p> <p>A revised approach to Condition 6 is summarised under the response to National Highways' comment, set out in the first row in Table 3 of this document. This would allow initial development, generating trips no greater than the current operation of the Site, to get underway and deliver on the Freeport programme. Caps have been agreed with NH that would prevent the construction or occupation of buildings exceeding certain sizes or specific thresholds of total vehicle trip generation to/from the Site, unless or until traffic modelling has been undertaken to determine any impacts on the highway and subject to agreement by NH and LHAs. See Appendix A3 for the response note issued to National Highways in May 2023, concerning transport mitigation.</p> <p>This phased approach to release any development exceeding set floorspace or trip generation limits, set out in Condition 6, would ensure that mitigation measures required are committed to or implemented prior to any further development being permitted.</p> <p>Any studies would be scoped with the relevant Highway Authorities, based on predicted impacts and trip generation on local roads.</p> <p>Design Guide:</p> <p>It is considered that the Vision is clear and distinctive from a standard approach to employment development. Planning Use Classes would allow a wide range of industrial uses, whereas the approach of applying characteristics of development permitted on the Site, under Principle LU6, is much more restrictive and reinforces the Green Industrial and Energy focus of the development.</p> <p>The 'Principles' have been revised from the original guide to make them more directive, but are considered to strike the appropriate balance between attracting investors and controlling detail.</p> <p>There are no current proposals to establish a Growth Board but the LDO would not preclude this being established should there be a consensus that this would be beneficial.</p> <p>It is not considered reasonable or practicable to impose a condition requiring surrender of part of the LDO should there be no development demand. However, the Council can review the performance of the LDO at the intervals set out in Condition 1,</p> |

| Stakeholder | Summary | Response |
|-------------|---------|---|
| | | <p>or at any time, should circumstances warrant such action.</p> <p>Following the previous round of consultation, the Building Heights Parameters Plan and Design Guide Principle BH2 were revised to set a maximum 30 metre height on the Southern Area, apart from cases where an exception is justified and then on a maximum of 20% of Plot I. This is considered to strike an appropriate balance between addressing visual impact concerns and attracting investment.</p> <p>There is considerable demand for logistics development in this area, as evidenced by the recent Greater Nottingham Strategic Plan consultation and call for sites, and Nottinghamshire Core & Outer HMA Logistics Study. 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. However, 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.</p> <p>Principles IS2 and A6 of the Design Guide set out a requirement to explore additional technologies that would enhance the sustainability of the development. These would be explored as detailed design progresses, and is expected to include elements such as solar PV, green roofs, and rainwater harvesting.</p> <p>The Design Guide advocates the use of solar PV and green roofs on the roofscapes of the development under design principle A3 and includes design principles around integrating biodiversity into the development in SL2.</p> <p>Whilst the development is an industrial and employment based site, the interaction with the Site and the Parkway Station and potential HS2 Station is acknowledged and the Design Guide Principle A10 requires development in this part of the Site to be designed to create a positive and welcoming aspect and sense of arrival.</p> <p>Biodiversity Net Gain:</p> <p>Comment noted.</p> <p>Decision Making:</p> <p>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</p> |

| Stakeholder | Summary | Response |
|---|--|--|
| | | <p>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.</p> |
| <p>Normanton on Soar Parish Council</p> | <p>Support the proposed revisions but make two comments:</p> <ul style="list-style-type: none"> • There is no mention of solar panels on roofs of the buildings. • It is requested that the Transport and Management Strategy goes out for consultation as we believe it will have an impact on roads in surrounding villages. | <p>Principles IS2 and A6 of the Design Guide set out a requirement to explore additional technologies that would enhance the sustainability of the development. These would be explored as detailed design progresses, and is expected to include elements such as solar PV, green roofs, and rainwater harvesting.</p> <p>The Design Guide advocates the use of solar PV and green roofs on the roofscapes of the development under design principle A3 and includes design principles around integrating biodiversity into the development in SL2.</p> <p>The Transport Mitigation Strategy and Local Roads Study documents would be scoped in consultation with the relevant Highway Authorities. Whilst wider consultation on each Certificate of Compliance application is at the Officer discretion, it would not normally be that individual applications or submissions would be put out for wider consultation.</p> |
| <p>Ratcliffe on Soar Parish Meeting</p> | <p>Many of the village's concerns have been addressed by the response to earlier consultation, and they now have a neutral view of the development on the southern area.</p> <p>Two issues remain:</p> <ol style="list-style-type: none"> 1) Ratcliffe on Soar Parish would oppose any attempt to foul the brook. Would therefore like to be assured that the integrity of the brook is to be maintained. 2) Do not support to the development of the land west of the south site (as it approaches the railway), as the application of hard standing here would result in flooding of the Ratcliffe village. <p>Additionally, recent plans show the wood running north/south along the margins of this land being retained as a screen and the Parish welcome confirmation that this is true.</p> | <p>There would be no intention to foul or interfere with the Brook and the foul and surface water schemes would be designed to avoid this. Similarly, the Construction Code of Practice would include measures to prevent pollution of the water environment.</p> <p>The land to the west of the Southern Area (Plot I) would be developed within the zone as indicated on the Parameter plans. There would be a defined area of car parking but the remainder would be part of the Strategic Landscaping zone. Any changes to these parameters would need to come forward as a review of the LDO, or a separate planning application, both of which would be subject to public consultation.</p> |
| <p>Costock Parish Council</p> | <p>Concerned about impact that the increased traffic through Costock village, both during the development of the site and once completed, particularly given National Highways response.</p> <p>Request that a much more tightly defined traffic management study is proposed and goes out for consultation, which would include a detailed assessment of the impact of such a site, including the impact on small rural neighbouring villages such as Costock.</p> | <p>As set out in Table 3 of the October 2022 Response to Comments from National Highways and Local Highway Authorities, the traffic modelling has shown that 96% of the trips generated by the Proposed Development in the AM and PM peak hours would use the A453 East or West to access the Site. The remaining 4% would access the Site to/from the south via West Leake Lane (2%) and to/from the south via Kegworth Road (2%). These trips on the local road network are likely to be made up of traffic originating in the local area, traffic passing through as it is the most</p> |

| Stakeholder | Summary | Response |
|-------------|---------|--|
| | | <p>direct route and traffic re-routing due to delays on the Strategic Road Network/A roads.</p> <p>Re-routing is most likely to occur during the AM and PM peak hours and therefore the proportion of development related traffic using local roads at off-peak times could be even lower than 4%.</p> <p>The scope of the local roads Transport Study will be determined in consultation with the relevant Highway Authorities and be cognisant of the likelihood and scale of potential impacts; Costock Parish Council's desire for this to include small neighbouring villages is noted.</p> |

Table 7 – Responses to representatives received from neighbouring landowners or adjoining stakeholders

| Stakeholder | Summary | Response |
|----------------------------------|--|---|
| Winking Farm (Mrs Pamela Towers) | <p>Main objection is to the height of the buildings. No photographs or visuals of the impact of the buildings on the farm have been provided. It is expressed that building height should not exceed a maximum of 20 m.</p> <p>The revised design guide proposes that no more than 20% of the southern 'plot' can go to 40 m, but this should be relative to the footprint of all the buildings in plot I, not the area of the plot itself.</p> <p>The 10 m reduction around the edge of the buildings for a tapered effect has been lost. If buildings are generally expected to be at 30 m, the edges should be reduced to 20 m.</p> <p>Any roads, parking and traffic areas should be placed as far away as possible from the farm to reduce light and noise pollution.</p> <p>Plot D, which comes close to the A453, is still at 40 m high, except the edges at 30 m, which will have a massive impact on the farm.</p> <p>Improvements to the West Leake Lane from the A453 to the Ash tip entrance must be completed before any construction commences.</p> <p>Tree planting in close proximity to the farm's boundary should be low level increasing to a higher level further away so as not to create shadows from the sun.</p> | <p>Building Heights:</p> <p>The impact on Winking Hill Farm has been reduced by establishing a landscape buffer between the farm and the Plot I development area. The developer is required by Design Guide Principle BH5 to show that any building in Plot I exceeding 30 metres in height has been designed to minimise its impact on Winking Hill Farm. It should be noted that whilst the Parameter Plans set maximum heights, it is not anticipated that development would completely fill this envelope. Design principles in the Design Guide require buildings to be designed to break up their massing and visual impact.</p> <p>The Design Guide requirement allows for a maximum of 20% of Plot I to be up to 40 metres in height, if justified and if designed to minimise visual impact. It is considered that these limitations are sufficient to control and minimise the scale and impact of any building(s) on this plot.</p> <p>Transport Impacts:</p> <p>As outlined in the latest Transport Note submitted to National Highways and relevant Local Highways Authorities (see Appendix A3), Condition 6 of the LDO has been revised.</p> <p>Condition 6 will prevent the construction or occupation of buildings exceeding certain sizes or specific thresholds of total vehicle trip generation to/from the Site, unless or until traffic modelling has been undertaken to determine any impacts on the highway and subject to agreement by NH and LHAs.</p> <p>This acts to ensure that there is no undue impact on the operation or safety of the highway or that mitigation is in place before the point at which significant peak development trips are generated. In</p> |

| Stakeholder | Summary | Response |
|--|--|---|
| | | <p>practice, this clause works to “pause” the development at a set threshold until any required highway mitigation has been agreed upon and/or delivered.</p> <p>Access to West Leake Lane will comply with NCC standards and undergo a S278 adoption process, including a Safety Audit.</p> <p>Tree Planting:</p> <p>The Strategic Landscape Plan includes new boundary tree planting in the Southern Area which will be designed to enhance the visual appearance and should not be overbearing on neighbours.</p> |
| <p>Pegasus Group on behalf of behalf Hallam Land Management (HLM) Limited (who has an interest in circa 600 hectares of land adjacent to the Ratcliffe on Soar Power Station site)</p> | <p>Whilst weight can be attached to the economic benefits of the LDO proposals, HLM does not believe the LDO as presently formulated can pass the VSC test given:</p> <ul style="list-style-type: none"> • The benefit of urgency related to the Freeport initiative is weak in light of strong market demand. • The unacceptable transportation impact as a consequence of inadequate assessment and inadequate mitigation. • The missed opportunity harm in not providing for HS2 East Midland Hub station related development or New Kingston, both capable of delivering significant strategic benefits. <p>They suggest the Council should either pause again or withdraw the LDO:</p> <ul style="list-style-type: none"> • To withdraw the LDO and continue with the GNSP process to ensure strategic planning issues are fully considered before a future LDO or planning application is formulated; or • To pause the LDO and to not consider further until further, robust transport modelling work including cumulative impacts, is undertaken. | <p>The LDO and Statement of Reasons includes a comprehensive Green Belt Assessment in Section 7.5. The main argument for the LDO is its potential for significant economic and employment benefits, supported by national and regional government and planning policy.</p> <p>Freeport status is not a key aspect of the VSC case but it indicates government support for development and job transition at the Site. Businesses should be operational by the end of September 2026 to provide economic benefits to investors and the local economy.</p> <p>The planned Power Station closure by the end of September 2024 also drives the need to secure employment and economic benefits rather than leave the site inactive.</p> <p>Postponing development indefinitely to await future HS2 decisions is not supported.</p> <p>The rail interface near the Power Station Buildings will be reviewed after the Power Station’s closure, allowing for changes in circumstances and policy to be considered (as outlined in LDO Condition 1). This reviewed flexibility is a benefit of the LDO’s ability to adapt to changing development context.</p> <p>The need for a holistic transport approach and for appropriate modelling is acknowledged. A revised approach to Condition 6 is summarised under the response to National Highway’s comment, set out in the first row in Table 3 of this document, which would prevent the construction or occupation of buildings exceeding certain sizes or specific thresholds of total vehicle trip generation to/from the Site, unless or until traffic modelling has been undertaken to determine any impacts on the highway and subject to agreement by NH and LHAs.</p> <p>See Appendix A3 for the response note issued to National Highways in May 2023, concerning transport mitigation. It outlines a comprehensive plan for improving highway capacity to tackle the effects of the Proposed Development and meet the</p> |

| Stakeholder | Summary | Response |
|--|--|--|
| | | <p>transportation demands of other major developments in the region.</p> <p>This phased approach to release any development exceeding set floorspace or trip generation limits, set out in Condition 6, would ensure that mitigation measures required are committed to or implemented prior to any further development being permitted.</p> |
| <p>ADC Infrastructure on behalf of the promoters of “New Kingston”</p> | <p>Prepared on behalf of the promoters of New Kingston.</p> <p>The further assessments are not robust and focuses only on Phase 1 and 2, considering that these phases of the proposed development will be equivalent to the existing use of the power station site (measurement of the existing use is not robust). The power station needs to close to extinguish existing traffic before it can be replaced by the new development traffic.</p> <p>The new development is on land south of the A453 and north of the power station, and therefore the power station does not need to close to allow the new development to be built. Without extinguishing the existing use, there will be a significant impact on the road network that are not mitigated. These assessments make no further comment on Phase 3.</p> | <p>In response to a request for further modelling work by NH, engagement with NH and Local Highway Authorities has been undertaken regarding a revised approach to Condition 6.</p> <p>Revised Condition 6 is summarised under the response to National Highway’s comment, set out in the first row in Table 3 of this document, which would prevent the construction or occupation of buildings exceeding certain sizes or specific thresholds of total vehicle trip generation to/from the Site, unless or until traffic modelling has been undertaken to determine any impacts on the highway and subject to agreement by NH and LHAs.</p> <p>See Appendix A3 for the response note issued to National Highways in May 2023, concerning transport mitigation. It outlines a comprehensive plan for improving highway capacity to tackle the effects of the Proposed Development and meet the transportation demands of other major developments in the region.</p> <p>This phased approach to release any development exceeding set floorspace or trip generation limits, set out in Condition 6, would ensure that mitigation measures required are committed to or implemented prior to any further development being permitted.</p> <p>This approach also ensures that a change in government policy towards power station closure would not result in trips generated by the development being allowed onto the network in addition to those generated by the power station. It is made clear that excess trips from the Site would trigger a pause in development for further modelling.</p> |
| <p>Oxalis Planning on behalf of Harworth Group and Caesarea Planning Services (promoting a new settlement within North West Leicestershire, adjacent to the south East Midlands Airport)</p> | <p>Comment made:</p> <ul style="list-style-type: none"> Disagree with the approach to cumulative contribution to central ‘pot’ for highway mitigation works being introduced at phase 3 and are concerned about the impact of phase 1 and 2. Concerns of trip generation if the power station stays open longer than expected (with added trips from the EMERGE Centre). The LDO should ensure a robust assessment of existing use peak hour traffic is undertaken and to | <p>The need for a holistic transport approach and for appropriate modelling is acknowledged. A revised approach to Condition 6 is summarised under the response to National Highways’ comment, set out in the first row in Table 3 of this document, which would prevent the construction or occupation of buildings exceeding certain sizes or specific thresholds of total vehicle trip generation to/from the Site, unless or until traffic modelling has been undertaken to</p> |

| Stakeholder | Summary | Response |
|----------------|---|--|
| | <p>then ensure any LDO development will not result in a net increase in traffic levels.</p> <ul style="list-style-type: none"> The approach taken is not holistic and could result in other developments elsewhere being made unviable. Therefore, the wider area needs to be further considered. <p>It is suggested that the Council either withdraws the LDO and continues with the GNSP process (to ensure strategic planning) or pause it to consider further and more robust transport modelling work to assess cumulative impacts.</p> | <p>determine any impacts on the highway and subject to agreement by NHs and LHAs.</p> <p>See Appendix A3 for the response note issued to National Highways in May 2023, concerning transport mitigation. It outlines a comprehensive plan for improving highway capacity to tackle the effects of the Proposed Development and meet the transportation demands of other major developments in the region.</p> <p>This phased approach to release any development exceeding set floorspace or trip generation limits, set out in Condition 6, would ensure that mitigation measures required are committed to or implemented prior to any further development being permitted.</p> <p>This approach also ensures that a change in government policy towards power station closure would not result in trips generated by the development being allowed onto the network in addition to those generated by the power station. It is made clear that excess trips from the Site would trigger a pause in development for further modelling.</p> |
| British Gypsum | <p>Concerns about the LDO on the basis that as currently drafted it would lead to the sterilisation of at least 2 million tonnes of high-grade, viable and quarriable gypsum for which British Gypsum owns the freehold mineral rights. There is evidence to suggest that an additional 1 million tonnes of gypsum which may be viable to mine by underground methods could be sterilised further to the north of the site.</p> <p>British Gypsum has not been consulted on the LDO process so far. British Gypsum is generally supportive of both the EMERGE and LDO proposals but needs to ensure that its mineral ownership interests are protected.</p> | <p>It should be highlighted that Nottinghamshire County Council (NCC) was consulted on the LDO and made comments in its capacity as Minerals Planning Authority. NCC initially raised no matters of concern in respect of minerals issues but have subsequently amended its comments following representations from British Gypsum. In light of the comments from British Gypsum, Condition 19 has been added to the LDO and Statement of Reasons to allow for investigation into the economic viability of extracting gypsum and to ensure that any reserves that can be extracted economically within a reasonable timeframe are able to be mined in such a way as to not prejudice delivery of the LDO.</p> <p>This condition states that no development permitted by the LDO shall take place within a certain area (see new Potential Gypsum Resource Area Parameter Plan in the LDO), and infrastructure associated with rail loading of gypsum shall be retained within the Site, for a period of 36 months from the date of adoption of this LDO. This is to allow sufficient time for a planning application for the extraction of gypsum to be made and determined and for mining to have taken place. Following the expiry of the 36 month period, or earlier if certain conditions are met, development within this area can proceed pursuant to this LDO, and it is no longer a requirement to retain infrastructure associated with rail loading of gypsum.</p> <p>It is important to note that the LDO does not grant consent for any mineral</p> |

| Stakeholder | Summary | Response |
|-------------|---------|---|
| | | extraction and this condition on the LDO does not make any judgement on whether the minerals can be recovered in an acceptable manner nor whether any planning permission for minerals extraction should be granted. Any such mineral recovery would need to be assessed via a separate planning application to the minerals authority, supported by appropriate application documentation and assessments. |

3.2 Local resident and other interested party responses

A total of 45 responses were received from non-statutory consultees, comprising of members of the public and other stakeholders. To avoid duplication, a process was applied to summarise and condense the feedback received. Common themes were identified from the comments and are presented in Table 8.

The most common representations were in relation to traffic and pedestrian accessibility in nearby areas, environmental impact (primarily at the Southern Area), loss of Green Belt land and building height limits.

Table 8 – Summary of responses from non-statutory consultees grouped by theme

| Theme | Summary of feedback | Response |
|---|--|---|
| Strategic road network and public transport | <p>The key issues consultees face regarding strategic road network and public transport include concerns about the existing infrastructure not being able to handle the increased volume of traffic from new developments, and a lack of thought given to transport links and infrastructure in the planning process. Comments expressed concerns about potential traffic congestion on the Strategic Road Network (SRN) because of the proposed scheme.</p> <p>Additionally, comments raised concerns about the lack of provisions for public transportation, given the Site's proximity to the railway station and park and ride infrastructure. The current transport modelling suggests that the proposed scheme would have a negative impact on the operation of the SRN, including causing delays on the M1.</p> | <p>A Transport Note (refer to Appendix A1) was created in response to comments from all Highway Authorities, outlining the revised approach to providing appropriate mitigation measures. Ongoing engagement has taken place with National Highways (refer to Appendices A2 to A4).</p> <p>The need for a comprehensive transport solution to increase highway capacity, accommodating traffic from not just the LDO Site but other major developments, including HS2 and other Freeport or East Midlands Development Company proposals, is recognised. The solution will require collaboration between developers and public bodies and may take time to implement. The LDO development's initial phases will have minimal impact on the SRN and its later stages will be restricted under the provisions of Condition 6 until a comprehensive transport solution is agreed.</p> <p>The proposed transport measures aim to improve public transport, encourage cycling and walking, and include a shuttle bus, improved bus services, direct access to the Site from the rail station, cycleway improvements, a Travel Plan coordinator, and employee incentives for public transport. The requirement for a Sustainable Transport Strategy has been added to the LDO conditions as proposed by National Highways and Nottinghamshire County Council as Highway Authority.</p> |
| Local roads | <p>Local roads are also a concern, with consultees expressing worries about the deterioration of road surfaces and the potential for increased traffic to cause harm to pedestrians. Concerns were raised by consultees about the potential for increased traffic in the immediate vicinity and surrounding areas of the proposed development site. Comments were raised about traffic-related issues, both during the construction phase and after the completion of the project. They believed that if the impacts of the development on the</p> | <p>The Transport Assessment shows that most traffic to the LDO Site will use the Strategic Road Network, which will ultimately require mitigation to ensure adequate capacity and safety. Condition 6 addresses this by providing for development to be brought forward in phases, with modelling and mitigation undertaken before the next phase is permitted to come forward.</p> <p>Two further Transport Notes (refer to Appendices A1 and A3) were produced in response to comments from NH and other Highway Authorities, outlining the</p> |

| Theme | Summary of feedback | Response |
|---|---|---|
| | <p>Strategic Road Network (SRN) are not properly addressed, it could result in negative effects on local roads, including an increase in traffic on roads immediately surrounding the site and potentially impacting local roads in nearby villages.</p> | <p>revised approach to providing appropriate mitigation measures.</p> <p>To address local traffic concerns, the LDO will fund a traffic management study for affected areas, including mitigation measures such as signage, lights, and enforcement. The LDO will also require a contribution to pedestrian and cycle improvements.</p> <p>To promote use of public transport, a Sustainable Transport Strategy will be submitted to and approved by the Council prior to occupation of new development. The strategy will also examine opportunities to improve bus services to local communities, where appropriate.</p> |
| <p>Ecology and biodiversity</p> | <p>Ecology and biodiversity are also a concern, with consultees arguing that economic gains are being placed above the environment and that industrial developments are being built on land that should be protected for wildlife. Concerns about the development's impact on ecology and biodiversity were expressed by stakeholders who commented on the impact of the development on the environment, biodiversity, and wildlife. They specifically commented uncertainty about how the BNG will be implemented. Concerns included potential tree loss, tree protection and impacts to ecosystems.</p> | <p>The LDO sets high standards for design, landscaping, and Biodiversity Net Gain (BNG). Based on feedback, the wording of Section 3.3 of the LDO and the accompanying Statement of Reasons document has been revised to reflect these expectations.</p> <p>The LDO requires development to achieve a minimum 10% net BNG, exceeding current policy requirements. The LDO establishes a hierarchy for delivering BNG, prioritising on-site options and requiring a Biodiversity Mitigation Strategy with each application for a Certificate of Compliance.</p> <p>The Design Guide is amended to encourage green roofs and solar PV, and the long-term management of BNG areas must be included in the Biodiversity Mitigation Strategy. The Biodiversity Mitigation Strategy must be agreed before construction and updated at each certificate application.</p> |
| <p>Green Belt</p> | <p>Concerns about the loss of the Green Belt as a result of the development and lack of justification to release this area of the Green Belt</p> | <p>The entire LDO site is in the Green Belt, and building is only allowed if VSC can be demonstrated to outweigh the harm.</p> <p>The VSC for the Proposed Development are outlined in Section 7.5 of the LDO and its Statement of Reasons and is considered a robust assessment.</p> |
| <p>The Southern Area</p> | <p>The Southern Area is a specific concern, with consultees questioning the motive for the development and arguing that the plans are "vague" on the size of buildings and their impact on local biodiversity.</p> <p>Stakeholders expressed concerns over development taking place on the land south of the A453 (Southern Area). They highlighted that this land differs in nature from the built-up, industrial land to the north of the A453 (Northern Area). Comments included a general query about a loss of the area's open, rural, countryside feel due to development, especially at the Southern Area of the Site.</p> | <p>The Southern Area of the Site is part of the East Midlands Freeport, making it important to include within the LDO boundary.</p> <p>The Southern Area will play a vital role in realising the overall vision for the Site and is a key aspect of the development. Developing the currently unused or underutilised areas of the Site is necessary to meet the government's ambitious Freeport objectives. Quickly creating jobs in these areas before the closure of the current Power Station will provide the best chance of retaining and reskilling the workforce and capitalising on the new green energy and advanced manufacturing opportunities that arise from the Site's redevelopment.</p> |
| <p>Building heights and visual impact</p> | <p>Building heights and visual impact are also a concern.</p> <p>Consultees commented on the scale and height parameters set by the LDO for buildings on the Site and their possible visual impact. Many felt the building parameters set were too tall for this area of the Green Belt and that it would cause adverse visual impact upon the surroundings,</p> | <p>The Parameter Plans define the limits (area and height) for new development. The height limit was determined after evaluating the visual impact on the wider landscape and considering the heights of recently built structures for large gigafactories, manufacturing, and logistics operations.</p> <p>Although the Parameter Plans establish maximum heights, it is unlikely that development would occupy the entire permitted height envelope. Notwithstanding</p> |

| Theme | Summary of feedback | Response |
|-------|---|--|
| | notably the height restriction to buildings proposed for the Southern Area. | the initial visual assessment, after consideration of representations, the Building Heights Parameters Plan and Design Guide Principle BH2 have been revised to establish a general maximum height of 30 metres in the Southern Area, except in exceptional cases, where a maximum height of 40 metres over 20% of Plot I is allowed. This is considered an appropriate balance between attracting investment and addressing concerns about visual impact. |

4. Conclusion

This Statement of Community Involvement has given an account of all consultation activities undertaken during the preparation and consultation of the draft LDO for the redevelopment of the Ratcliffe-on-Soar Power Station Site.

The Council, as the Promoter of the Local Development Order (LDO), conducted the initial round of engagement on a non-statutory basis. The purpose was to introduce the LDO, provide information to local stakeholders and interested parties, and gather feedback to assist in developing the LDO and supporting documents. This consultation took place between September 2021 and January 2022.

The second consultation was held from 21st July to 5th September 2022 and is the statutory consultation required under legislation as part of the formal process of adopting an LDO.

This third consultation, held from 15th December 2022 to 19th January 2023, provided stakeholders with the opportunity to review and provide feedback on the revisions made to the draft Local Development Order (LDO) submission documents as a result of the statutory consultation feedback. It also included consultation on an addendum to the Environmental Impact Assessment and a supplementary document considering demolition impacts.

The approach taken to the consultation process has been designed to be transparent, inclusive, and as comprehensive as possible in accordance with national and local policy and best practice guidance. Beyond the formal consultation period, ongoing dialogue has been maintained with statutory and technical stakeholders as needed.

Where concerns have been raised, efforts have been made to either revise the LDO or to ensure appropriate mitigation measures are in place. Where this has not been possible or where the concerns fall outside of the scope of this LDO, explanations have been provided in the form of a detailed project response.

Respondents were also invited to provide feedback on the overall consultation process and any concerns that have been addressed. Where revisions to the LDO were not possible, explanations have been provided.

Appendix A1: Transport Response Note Jan 2023

Responding to January comments from National Highways & Local Highway Authorities

ARUP

| | |
|------------|-----------------------|
| Subject | Ratcliffe-on-Soar LDO |
| Job No/Ref | 283253 |
| Date | 27 January 2023 |

Ratcliffe-on-Soar LDO

Response to Jan 2023 comments from National Highways & Local Highway Authorities

Following statutory consultation in Summer 2022 on the draft Ratcliffe-on-Soar Local Development Order (LDO), minor amendments were incorporated into the documents in response to comments from stakeholders. For highways matters, the amendments were set out in the document "Ratcliffe-on-Soar LDO, Response to Comments from National Highways & Local Highway Authorities" dated 21st October 2022 [the October 21st Transport Note]. The proposed amendments were subject to a second consultation between 15th December 2022 and 19th January 2023 and further comments have been raised by National Highways and the Local Transport Authorities. This note has been produced both to respond to these latest comments and to support Rushcliffe Borough Council in determining the LDO.

1. Introduction

Extensive engagement has taken place with National Highways [NH] and the Local Highway Authorities [LHAs] over the past 17 months. Discussions commenced in Autumn 2021 to agree the scope of the transport assessment, trip generation and modelling approach. This was reflected in the Transport Assessment and Framework Travel Plan published to support the draft LDO in July 2022.

Following the Summer 2022 consultation, further meetings have taken place with NH and the LHAs to agree an approach to the issues raised. This concluded in the 21st October Transport Note which was issued to NH and the LHAs on this date. Discussions continued during November and December 2022 to refine the approach.

National Highways comments

NH's response to the second round of consultation on 19th January 2023, raises a number of additional issues as follows:

- Potential that the Power Station may continue to function when Phase 1 development is operational
- Further details of inter-peak flows on M1 motorway requested
- Traffic modelling requested for the peak periods in the Phase 1 + 2 development scenario.
- Modelling of inter-peak flows on M1 Jn24 and other SRN junctions requested.
- Questions relating to the Site Wide Travel Plan, Operational Management Plan, Sustainable Transport Package
- Clarification of mechanism to deliver mitigation works on the Strategic Highway Network

Nottinghamshire County Council comments

Nottinghamshire County Council [NCC] also responded to the second round of consultation. They confirmed that they are satisfied that the traffic generated by development phases 1 and 2 would not

| | |
|------------|-----------------|
| Subject | Ratcliffe LDO |
| Job No/Ref | 283253 |
| Date | 27 January 2023 |

result in a detrimental impact on the local road network, provided that NH can confirm that there is sufficient capacity on the Strategic Road Network to avoid displacement of traffic onto local roads.

NCC suggested that the AM and PM peaks be extended to control the number of trips close to the peaks (i.e. 07.00-09.00 and 16.00-17.00). They supported the proposals to restrict development of Phase 3 until further modelling has been undertaken and a holistic transport solution has been developed. NCC welcomed the proposed contribution to a Traffic Management Study and implementation of recommendations.

Leicestershire County Council comments

Leicestershire County Council [LCC] consider the residual cumulative impacts to be severe and advise 'refusal' on transport/highway grounds. They do not consider that the approach of limiting development prior to developing a scheme of mitigation to meet the tests for conditions set out in the NPPF. They also question the use and validity of the East Midlands Gateway Strategic Model and the methodology behind the calculation of trip rates for phases 1 and 2. LCC request further details on how the Certificate of Compliance process will work. They welcomed the amendment to provide a Public Transport Strategy.

Other responses

A number of other bodies have also responded to the consultation. Many make similar comments to NH and the LHAs. There has also been requests for details of the traffic management schemes proposed for the local road network.

The following sections respond to these issues and set out a revised approach which seeks to enable the development whilst providing sufficient controls so that impacts on the highway network are managed to an acceptable level.

2. Context

The UK Government is promoting Freeports as "*a flagship government programme that will play an important part in the UK's post-Covid economic recovery and contribute to realising the levelling up agenda, bringing jobs, investment and prosperity to some of the most deprived communities...*". Government policy objectives for Freeports are to "*establish national hubs for global trade and investment; promote regeneration and job creation; and to create hotbeds for innovation*"¹.

¹ Government Policy on Freeports, 14th February 2022, House of Commons Library (<https://researchbriefings.files.parliament.uk/documents/CBP-8823/CBP-8823.pdf>)

| | |
|-------------------|-----------------|
| Subject | Ratcliffe LDO |
| Job No/Ref | 283253 |
| Date | 27 January 2023 |

Government has set ambitious timescales for the delivery of Freeports incentivising development to come forward before September 2026². In part, this is driven by the UK's desire to capture major international investment opportunities in high-tech and net-zero related businesses.

The Ratcliffe Site [the Site] forms part of the East Midlands Freeport, approved by UK Government in March 2021. As part of the Freeport organisation, Rushcliffe Borough Council is seeking to establish a Local Development Order [LDO] to set the planning framework within which development can come forwards at this Site.

It is understood that there has been considerable interest from investors who are considering the Site as a potential location for new operations. As set out in the Local Development Order and Statement of Reasons, this site is a major opportunity to generate economic growth and support a jobs transition to advanced manufacturing, renewable energy and low-carbon technologies, noting that the existing power station operations will cease in 2024 in line with government policy³.

There is therefore considerable interest in commencing development at the Site within the near future.

As set out in the Transport Assessment, the full development of the Site, together with the delivery of other major projects in the region (including the other two freeport sites (EMAGIC, EMIP), final phase of East Midlands Gateway and housing developments) will generate significant traffic impacts on the strategic highway network. The development of East Midlands Parkway station to accommodate HS2 services will also generate further impacts. Therefore, and as requested by NH, a holistic transport solution is required. As set out in the 21st October Transport Note, developing this transport solution will require good collaboration between the various stakeholders and it is likely to take a number of years to arrive at a final solution. Positively, it is understood that the East Midlands Development Company⁴ [EMDevCo] is seeking to coordinate stakeholders to develop this holistic solution, working with NH and others. HS2 Ltd have also indicated their support for this approach and their willingness to contribute to developing an appropriate solution⁵.

In response to this situation, the draft LDO included Condition 6 which allows development at the Ratcliffe Site to commence but sets a threshold which prevents the later stages of the development to come forward until such time as a holistic transport solution has been agreed together with proposals for implementation. As set out in the 21st October Transport Note, Condition 6 was amended to reflect comments raised by NH and the LHAs.

² Freeports Bidding Prospectus, November 2020
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/935493/Freeports_Bidding_Prospectus_web_final.pdf

³ <https://www.unipet.energy/news/unipet-reaches-agreement-to-support-the-government-in-boosting-the-uks-security-of-supply-this-winter>

⁴ EMDevCo is a company owned by five local authorities (Bloxstowe, Leicestershire, North West Leicestershire, Nottinghamshire & Rushcliffe) to promote economic growth in the areas in around Toton & Chetwynd, Ratcliffe Power Station and East Midlands Airport

⁵ Refer HS2 Ltd's response to the second round of consultation

Subject Ratcliffe LDO
 Job No/Ref 283253
 Date 27 January 2023

3. Approach

The Transport Assessment sets out how the development at the Site will come forward in the following broad phases:

- Phase 1 – development of vacant and under-utilised areas of the Site available in the near term
- Phase 2 – development of the coal stockpile area following closure of the Power Station in 2024
- Phase 3 – development of the area currently occupied by power station buildings and cooling towers

As detailed below, it was considered that AM and PM peak hour traffic flows from Phases 1 and 2 were either below, or similar to, existing flows and could therefore be accommodated on the highway network. Mitigation measures, developed in conjunction with the promoters of the other major projects, would need to be implemented before Phase 3 could proceed.

Peak Hour Trips

The proposed development mix identifies that manufacturing, energy and logistics uses will be located in Phase 1 and 2 areas. These uses typically operate on a shift pattern with the main traffic movements occurring during off-peak periods. The number of peak hour trips generated by Phases 1 and 2 is therefore relatively small.

Given that the existing power station will close, the Transport Assessment sets out how the impact of the new trips generated by Phase 1 and Phase 2 development will be offset by the cessation of trips associated with the power station (see Table 1 below).

It is highlighted that the extant trips used in the Transport Assessment (and shown in Table 1 below) relate to current operations at the power station. In the recent past however, the number of vehicle movements associated with the power station has been significantly higher. At its peak, there were 3,500 staff on site 24/7, generating an average of c.470 two-way HGV movements per day (see section 2.1, 6.3.1.1 and 8.6.4 of the TA). Therefore, the approach set out in the Transport Assessment is conservative.

Table 1: Peak Hour Trips to/from the Site

| Development Scenario | Vehicle Movements to/from Site | |
|---|--------------------------------|-----------------------|
| | AM Peak (08:00-09:00) | PM Peak (17:00-18:00) |
| Extant Use (Current Power Station Use + EMERGE Centre) | 522 | 331 |
| Phase 1 Development | | |
| Phase 1 Development (including retained + EMERGE) | 347 | 329 |
| Net Change to Extant Use | -175 | -2 |
| Phase 1 + 2 Development | | |
| Phase 2 Development | 210 | 122 |
| Phase 1 + Phase 2 Development (including retained + EMERGE) | 557 | 451 |
| Net Change to Extant Use | -35 | -120 |

Subject Ratcliffe LDO
Job No/Ref 283253
Date 27 January 2023

Phase 1 development therefore results in a net decrease in peak hour vehicular trips to/from the Site compared to existing flows.

Phase 1 + Phase 2 development results in a small increase in peak hour trips to/from the Site. As reported in Table 4 of the 21st October Transport Note, this increase is considered to be relatively insignificant given the traffic volumes using the existing network (eg. c.10,000 and c.8,800 vehicles passing through MI junction 24 in the AM and PM peaks, and c.4,200 and c.4,500 vehicles passing through the Mill Hill Roundabout (A453) in the AM & PM peaks).

Condition 6 of the LDO was proposed to allow Phase 1 and Phase 2 development to proceed, as the AM and PM peak hour impact on the existing highway network was relatively small. Development which generated peak trips in excess of these levels would not be permitted until a holistic transport solution had been agreed/implemented.

This approach was recognised by National Highways in their 5th September 2022 comments which noted that “Phase 3 contributes the largest trip generation” and concluded that National Highways “may be unable to support the full occupation of the site prior to suitable highways mitigation being delivered”. From this we infer that partial occupation of the site would be acceptable prior to delivering transport mitigation.

Off-Peak Trips

Due to the nature of the Phase 1 and 2 development it is expected that there would be 24/7 working with shifts, meaning the majority of trips generated would occur outside the AM and PM peak hours. The Transport Assessment assumed that the primary shift changes would occur at 06.00, 14.00 and 22.00 for the majority of uses in Phases 1 and 2. As shown in Table 2 below, this assumption results in a noticeable peak of development-related movements around the shift changeover times. The highest hourly movements occurring between 1300-1400 when general daytime operational traffic is higher and coincides with the afternoon shift changeover.

Table 2 – Daily traffic flows to/from development (Phases 1 and 2)

| Time period | Vehicular Movements to/from site (vehicles) | |
|-------------|---|---|
| | Phase 1 Development (including retained + EMERGE) | Phase 1 + Phase 2 Development (including retained + EMERGE) |
| 0000-0100 | 0 | 0 |
| 0100-0200 | 0 | 0 |
| 0200-0300 | 0 | 0 |
| 0300-0400 | 0 | 0 |
| 0400-0500 | 253 | 253 |
| 0500-0600 | 1272 | 1323 |
| 0600-0700 | 1099 | 1187 |
| 0700-0800 | 152 | 301 |

Subject Ratcliffe LDO
Job No/Ref 283253
Date 27 January 2023

| Time period | Vehicular Movements to/from site (vehicles) | |
|-------------|---|---|
| | Phase 1 Development (including retained + EMERGE) | Phase 1 + Phase 2 Development (including retained + EMERGE) |
| 0800-0900 | 347 | 557 |
| 0900-1000 | 46 | 289 |
| 1000-1100 | 53 | 174 |
| 1100-1200 | 47 | 213 |
| 1200-1300 | 299 | 478 |
| 1300-1400 | 1321 | 1584 |
| 1400-1500 | 1088 | 1227 |
| 1500-1600 | 94 | 206 |
| 1600-1700 | 90 | 245 |
| 1700-1800 | 329 | 451 |
| 1800-1900 | 27 | 154 |
| 1900-2000 | 38 | 70 |
| 2000-2100 | 269 | 327 |
| 2100-2200 | 1266 | 1266 |
| 2200-2300 | 1013 | 1013 |
| 2300-0000 | 0 | 0 |

The 21st October Transport Note (specifically Table 6) reported on how the 1300-1400 development trips from Phase 1 and 2 would impact on the A453 background traffic, and how this compared to the AM and PM peak hour baseline traffic flows (without development). Tables 3 and 4 below, expand on this, separately reporting on the impact of Phase 1 only and Phase 1 and 2, and also detailing the impact on the M1 mainline north and south of M1 Junction 24.

Subject Ratcliffe LDO
Job No/Ref 283253
Date 27 January 2023

Table 3 – Inter-peak traffic flows* (with phase 1 development only) compared against peak traffic flows (2026 without development)

| Highway Link | Direction | Max peak flow on highway network - from 2026 Reference Case model (ie No Development) (vehicles) | Inter-peak traffic flows (1300-1400) | | | Difference With development inter-peak flow vs max peak baseline flow |
|--|------------|--|---|---|---|---|
| | | | Baseline flow on highway network (vehicles) | Net increase in trip generation from Phase 1 (vehicles) | Total inter-peak flow with Phase 1 development (vehicles) | |
| A453 between M1 Jn24 & Site | Eastbound | 2056 (PM peak) | 1305 | 645 | 1950 | -106 (-5%) |
| | Westbound | 2286 (AM peak) | 1253 | 136 | 1389 | -897 (-39%) |
| A453 between Site & Mill Hill Roundabout | Eastbound | 1895 (PM peak) | 1240 | 71 | 1311 | -584 (-31%) |
| | Westbound | 1954 (PM peak) | 1144 | 336 | 1480 | -474 (-24%) |
| M1 running lanes south of Jn 24 | Northbound | 5812 (PM peak) | 4472 | 209 | 4681 | -1131 (-20%) |
| | Southbound | 6091 (AM peak) | 4372 | 44 | 4416 | -1675 (-28%) |
| M1 running lanes north of Jn24 | Northbound | 5848 (PM peak) | 3880 | 17 | 3897 | -1951 (-33%) |
| | Southbound | 5243 (AM peak) | 3688 | 81 | 3768 | -1474 (-28%) |

Notes:

1. The total net increase in inter-peak generated trips as a result of the Phase 1 development is 1,235
 2. Distribution of generated trips on A453 based on site access turning movements from EMGM
 3. Distribution of generated trips on M1 based on M1 J24 with development turning movements from EMGM
- * the equivalent PCU figures are appended to this note

Table 4 – Inter-peak traffic flows* (with development phases 1 & 2) compared against peak traffic flows (2026 without development)

| Highway Link | Direction | Max peak flow on highway network - from 2026 Reference Case model (ie No Development) (vehicles) | Inter-peak traffic flows (1300-1400) | | | Difference with development inter-peak flow vs max baseline peak flow |
|--|------------|--|---|--|---|---|
| | | | Baseline flow on highway network (vehicles) | Net increase in trip generation from Phases 1 & 2 (vehicles) | Total inter-peak flow with development Phase 1 & 2 (vehicles) | |
| A453 between M1 Jn24 & Site | Eastbound | 2056 (PM peak) | 1305 | 728 | 2033 | -24 (-1%) |
| | Westbound | 2286 (AM peak) | 1253 | 220 | 1472 | -813 (-36%) |
| A453 between Site & Mill Hill Roundabout | Eastbound | 1895 (PM peak) | 1240 | 114 | 1354 | -540 (-29%) |
| | Westbound | 1954 (PM peak) | 1144 | 379 | 1523 | -431 (-22%) |
| M1 running lanes south of Jn 24 | Northbound | 5812 (PM peak) | 4472 | 236 | 4708 | -1104 (-19%) |
| | Southbound | 6091 (AM peak) | 4372 | 71 | 4443 | -1648 (-27%) |
| M1 running lanes north of Jn24 | Northbound | 5848 (PM peak) | 3880 | 27 | 3908 | -1940 (-33%) |
| | Southbound | 5243 (AM peak) | 3688 | 91 | 3779 | -1464 (-28%) |

Notes:

1. The total net increase in inter-peak generated trips as a result of the Phase 1 and 2 development is 1,497
2. Distribution of generated trips on A453 based on site access turning movements from EMGM

| | |
|------------|-----------------|
| Subject | Ratcliffe LDO |
| Job No/Ref | 283253 |
| Date | 27 January 2023 |

3. Distribution of generated trips on M1 based on M1 J24 with development turning movements from EMGM
* the equivalent PCU figures are appended to this note

The data presented in Tables 3 and 4 demonstrates that for Phase 1 only, and for Phases 1 and 2, the with-development inter-peak flows on the A453 and M1 would be less than the AM and PM peak flows in the without-development 2026 Reference Case. This indicates that the operation of the road network in the inter-peak should be no worse than it would be in the AM and PM peak hours and generally better.

This analysis is conservative as it assumes that the majority of uses in Phases 1 and 2 would operate a three-shift pattern and adopt the same changeover times. This can be considered a worst-case scenario in terms of the peak development trip generation and the associated inter-peak impact. The daily profile shown in Table 2 highlights the large variance in trip generation in the hours around the three shift changeover times and at other times of the day. This highlights the opportunity for use of varying shift patterns to smooth travel demand through the day. Adopting such an approach would have several benefits including:

- Reduction in peak hour trip generation from the site. This will reduce impacts on the Strategic Road Network and the local road network during the inter-peak period.
- Generating a flatter profile for bus demand across the day. This would help to support a more regular bus service. As suggested by bus operators, shift changeover times could also be planned around the working patterns of other major employers in the local area to further smooth demand for bus travel.
- Generating a flatter profile for rail demand across the day. This would help address any concerns over capacity issues, although Network Rail had indicated that they did not expect capacity issues from the development either on the trains or at East Midlands Parkway station.

Phase 1 and 2 of the development is split into six main plots, with the potential that each plot could have a number of different buildings and occupiers. Each of these occupiers could operate a different shift pattern. As outlined in the 21st October Transport Note, there is opportunity to use a site-wide travel planning approach, to stagger shift changes so that travel demands will be dispersed across the day.

Following issue of the 21st October Transport Note, NH were contacted to obtain their views on the proposals. In their email dated 23rd November 2022 they wrote *"Based on the information provided, National Highways are likely to be able to agree to Phase 1 of the Ratcliffe Freeport coming forward without need for highways mitigation or further junction assessments. This is because Phase 1 demonstrates a net decrease in trips on the network."* This provided confidence that a controlled approach to development would be acceptable.

In this email, NH also stated *"Phase 2 however is an increase in trips... the increase in the PM peak of phase 1 & 2 combined is noted to be 120 trips. If 60% of these trips go through M1 J24, this equates to 72 vehicles (114 PCUs). This is over the threshold in which National Highway expects to see junction modelling to understand the impact. This will determine if the junction can accommodate this increase... As such, to agree to Phase 1 and 2 coming forward, we would wish to*

Subject Ratcliffe LDO
Job No/Ref 283253
Date 27 January 2023

see modelling of M1 J24 using a Vissim model... Assuming that the above-mentioned junction modelling doesn't give rise to capacity issues, we would likely be able to agree to Condition (6) wording similar to that proposed in your letter."

In response to a follow-up enquiry National Highways confirmed that their threshold for junction capacity assessment is 30 or more two-way trips. As the additional trips for Phases 1 and 2 are higher than 30, we developed a revised approach, splitting Phase 2 into two parts, Phase 2a and Phase 2b.

This revised approach was set out in our email to National Highways, dated 16th December. In their letter of 19th January NH advised that they could not support the revised proposal, referencing concerns about the inter-peak flows and advising that more assessment work will be required to understand the impact of development phases 1 and 2.

4. Addressing National Highways concerns

With reference to NH's letter of 19th January 2023, it is acknowledged that modelling is now required for the Phase 1 & 2 scenario, in addition to the modelling already required for the Phase 1, 2 & 3 scenario. However, noting that existing work has been ongoing for many months and recognising that the scope of the Phase 1 & 2 modelling would need to be discussed and agreed, it is likely that this will take significant time. There is concern that this would negatively impact on Government's Freeport programme and potentially deter investment. There may also be suggestions that this additional modelling should be aligned with work led by EM DevCo (or others) to develop the holistic transport solution for the region, and this would require additional time.

Noting NH's supportive comments regarding Phase 1 development, a pragmatic approach is suggested which would enable development to commence in a limited way that should not cause undue impact on the highway network. This would allow sufficient time to progress the modelling of subsequent phases to the satisfaction of NH and the LHAs.

Revised approach

It is proposed that the Ratcliffe on Soar LDO development can proceed in a phased way as follows:

- 1) A first phase of development may proceed without mitigation or further junction modelling, based on the following
 - a) Peak AM & PM traffic flows to/from the Site* do not exceed existing levels**.
 - b) NCC's proposal that the AM and PM peak period for capped traffic flows to/from the Site is extended to cover two hours is applied (ie 07.00-09.00 & 16.00-18.00)
 - c) Inter-peak flows to/from the Site do not exceed 920 vehicle movements in any one hour***
- 2) A second phase of development may be able to proceed without mitigation if it can be demonstrated through additional modelling that the impact on the highway network is not severe. The modelling and the limits on peak and inter-peak traffic will need to be agreed

Subject Ratcliffe LDO
Job No/Ref 283253
Date 27 January 2023

with National Highways and Local Highway Authorities before development can be occupied.

- 3) A third (and final) phase of development can only proceed once additional modelling has been undertaken together with other project promoters to agree a holistic transport solution for the wider region. This solution (including funding and delivery mechanisms) will need to be agreed with National Highways and Local Highway Authorities before development can be occupied.

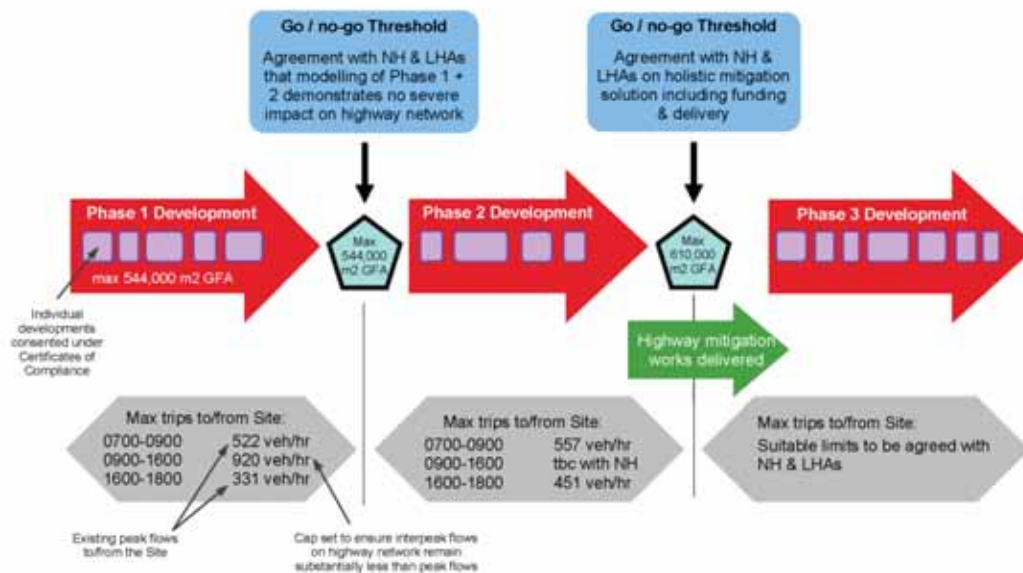
Notes:

* The term "Site" is proposed in place of "Development" to address NH's concern that there may be an overlap of activities relating to the power station and the new development. Referring to "Site" simplifies monitoring and places the onus on the site owner/developer(s) to manage operational vehicle movements so not to exceed the cap.

** These would be the current traffic levels at the Site. As noted in section 3, traffic related to the site is currently uncontrolled, and historically the Site has generated much larger flows. Granting of the LDO with conditions will therefore provide a control on the trips generated by the Site going forwards.

*** With reference to Tables 2 and 3, this restriction is intended to cap interpeak flows on the highway network to below 85% of peak flows

This can be shown diagrammatically as follows:



Subject Ratcliffe LDO
Job No/Ref 283253
Date 27 January 2023

It is considered that this approach to Phase 1 would not create additional impacts on the highway network during the AM and PM peak hours, and that inter-peak traffic flows would remain significantly below the AM and PM peak levels, whilst retaining flexibility to accommodate the forecast vehicular trip generation. Table 5 below demonstrates that by limiting inter-peak flows to/from the development to 920 vehicles (extant movements plus an additional 833 vehicles generated by Phase 1 development), the inter-peak traffic flows on the highway network (A453 and M1) would be up to 85% of the maximum peak hour flow and on-average 71% of the maximum peak hour flows. This shows that, with a cap on the Phase 1 trip generation, the traffic flows would remain substantially below the AM and PM peak flows. This suggests that the road network operation in the inter-peak would remain significantly better than in the AM and PM peak hour. With the same trip generation cap applied to all the hours between 0900 and 1600 when baseline traffic would potentially be lower than the inter-peak, it is unlikely that the generated trips would significantly impact conditions on the highway network.

Table 5 – Inter-peak traffic flows with capped phase 1 development only, and compared against peak traffic flows (2026 without development)

| Highway Link | Direction | Max peak flow on highway network - from 2026 Reference Case model (ie No Development) (vehicles) | Inter-peak traffic flows (1300-1400) | | | Difference with development inter-peak flow vs max peak baseline flow |
|--|------------|--|---|--|--|---|
| | | | Baseline flow on highway network (vehicles) | Net increase in trip generation with cap on Phase 1 (vehicles) | Total inter-peak flow with cap on Phase 1 (vehicles) | |
| A453 between M1 Jn24 & Site | Eastbound | 2056 (PM peak) | 1305 | 443 | 1748 | -309 (-15%) |
| | Westbound | 2286 (AM peak) | 1253 | 84 | 1337 | -949 (-42%) |
| A453 between Site & Mill Hill Roundabout | Eastbound | 1895 (PM peak) | 1240 | 44 | 1284 | -611 (-32%) |
| | Westbound | 1954 (AM peak) | 1144 | 230 | 1374 | -579 (-30%) |
| M1 running lanes south of Jn 24 | Northbound | 5812 (PM peak) | 4472 | 144 | 4615 | -1197 (-21%) |
| | Southbound | 6091 (AM peak) | 4372 | 27 | 4399 | -1692 (-28%) |
| M1 running lanes north of Jn24 | Northbound | 5848 (PM peak) | 3880 | 11 | 3891 | -1957 (-34%) |
| | Southbound | 5243 (AM peak) | 3688 | 55 | 3743 | -1500 (-29%) |

* the equivalent PCU figures are appended to this note

Furthermore, it is highlighted that the proposed caps on vehicle movements to/from the site during the peak and inter-peak periods will act as a strong incentive for the master-developer and the occupiers on the Site to work together, applying site-wide travel planning to coordinate working patterns and promote sustainable travel. This, in turn, will help to smooth travel demand across the day which will increase the effectiveness of Travel Plan measures and support bus services to the site.

Subject Ratcliffe LDO
 Job No/Ref 283253
 Date 27 January 2023

Proposed revision to LDO Condition 6

Condition 6 of the LDO is the mechanism by which these proposed controls are implemented in line with Planning Law. Condition 6 sets clear and precise parameters by which the Council can determine whether development is in accordance with its requirements.

It is proposed that Condition 6 is amended as follows to reflect the revised approach set out above (amendments to wording in red):

| | |
|---|---|
| <p>Development on the site shall proceed in accordance with the following.</p> <p>a) No building that results in the total quantum of development permitted by the LDO exceeding 544,000 m² GFA, or which generates operational vehicle trips (total) to/from the Site in excess of one of the following thresholds:</p> <ul style="list-style-type: none"> i. 522 trips per hour in the AM peak period (07.00 to 09.00), or ii. 920 trips per hour during the inter-peak period (09.00 to 16.00), or iii. 331 trips per hour in the PM peak period (16.00-18.00) <p>may be occupied until traffic modelling has been undertaken to assess the impact on M1 Junction 24 and the wider highway network during the AM peak, PM peak and inter-peak hours, and it has been agreed with National Highways that development traffic above this threshold would not have a severe impact on the operation of the highway.</p> <p>b) No building that results in the total quantum of development permitted by the LDO on the Site exceeding 610,000 m² GFA, or which generates operational vehicle trips (total) to/from the Site in excess of one of the following thresholds:</p> <ul style="list-style-type: none"> i. 557 trips per hour in the AM peak period (07.00 to 09.00) or, ii. a number of trips per hour first to be agreed with National Highways during the inter-peak period (09.00 to 16.00), or iii. 451 trips per hour in the PM peak period (16.00-18.00) <p>may be occupied until such time as a package of highway works to mitigate for highway impacts has been implemented or an agreement is in place between the developer, National Highways and/or the relevant highway authority for the delivery of these works. The package of highway works shall be agreed with National Highways and the relevant local Highway Authorities and shall be based on vehicle trip monitoring and updated traffic modelling incorporating all known and/or committed development at that time.</p> | <p>To ensure that development traffic which exceeds existing levels during peak periods or which might generate inter-peak flows in excess of existing peak flows does not create a severe impact on the highway network.</p> <p>To ensure that the required transport mitigation measures are delivered at the appropriate time to address the impacts from the development and that a holistic transport solution is achieved which accommodates the needs of other major developments planned to come forward in the local area.</p> |
|---|---|

Furthermore, with the Site-Wide and Plot-Specific Travel Plans required as part of a submission for a Certificate of Compliance (see following section), and the submission of annual Travel Plan monitoring reports, the Council will have the information to determine when an individual

Subject Ratcliffe LDO
Job No/Ref 283253
Date 27 January 2023

development may cause an exceedance of a threshold. Should the Council decide that the threshold(s) set out in Condition 6 are likely to be exceeded, a Certificate of Compliance shall not be awarded and the development may not proceed.

Site Wide & Plot Specific Travel Plans

With reference to NH's comments about the Site Wide Travel Plan and Operational Management Plan, it is highlighted that Condition 10 of the LDO requires a Site Wide Travel Plan to be approved by the Council prior to any development taking place. This will include provision for the appointment of a Site Travel Plan Coordinator and arrangements for monitoring and review.

Furthermore, and as set out in the Submission Checklist in Appendix C of the LDO, each application for a Certificate of Compliance must include a Plot Specific Travel Plan (PSTP), including a monitoring regime to achieve the modal shift targets and supporting mechanisms for securing additional sustainable transport measures.

In response to matters raised in the Summer 2022 consultation, the submission checklist for Certificates of Compliance applications was amended to include a specific requirement for PSTP's to provide the following:

- Hourly break-down of estimated vehicle trips to and from the development during the day. Where relevant, timings of shift change over shall be highlighted
- A summary of the cumulative trips per hour generated by both the proposed development and other developments which have been awarded Certificates of Compliance

This information, together with details of the actual trips and working patterns submitted through annual Travel Plan monitoring, will be used by the Council to ensure compliance with Condition 6. Should the Council decide that the threshold(s) set out in Condition 6 are likely to be exceeded, a Certificate of Compliance would not be awarded, and the development may not proceed. As with any planning condition, the Council would also be able to take enforcement action should there be any breach.

Sustainable Transport

Following the Summer 2022 consultation, and in response to feedback from the LHAs, LDO Condition 10 was also revised to require the submission of a Public Transport Strategy. This strategy shall include details of bus access, locations of bus stops, and set out arrangements for providing these services including frequencies, routes, phasing of delivery, funding, procurement and review arrangements.

Delivery of Mitigation

NH's comments regarding the Promoter being responsible for the design, delivery and funding of mitigation are acknowledged. As set out in the October 21st Transport Note, the holistic transport solution for this area is likely to involve collaboration between a number of different Promoters working together with NH. A bespoke arrangement is likely to be required to coordinate the efforts of these parties.

| | |
|------------|-----------------|
| Subject | Ratcliffe LDO |
| Job No/Ref | 283253 |
| Date | 27 January 2023 |

5. Impact on Local Roads

As set out in Tables 3 and 4 of the 21st October Transport Note, for Phases 1 and 2, the proportion of development trips likely to use the local road network is very small. As confirmed by NCC in their response, subject to the Strategic Road Network (SRN) accommodating the majority of development flows, there will not be a detrimental effect on the local road network.

With the revised approach showing that Phase 1 development traffic will not cause exceedance of peak flows on the SRN, the impact on Local Roads will remain insignificant. Before Phase 2 may proceed, further modelling will need to be undertaken and this will help to determine whether there will be any significant impact of the Phase 2 development on the local road network during both the peak, and the inter-peak, periods.

As welcomed by NCC in their response, the LDO provides a financial contribution to undertake studies and implement works to help manage traffic impacts on the local road network. It is expected that the studies and works will be undertaken by the relevant Local Highway Authority. The proposals will be developed in consultation with local residents, as there can be differing views on the appropriateness of different traffic management controls (eg narrowings, speed bumps, cameras etc).

6. Conclusion

In responding to the second round of consultation on the proposed Ratcliffe-on-Soar LDO, NH have requested additional modelling to understand the impact of Phase 1 and Phase 1 and 2 development traffic on the highway network, including consideration of inter-peak conditions.

Given that this additional modelling will take some time and, recognising Government Freeport policy drivers to capture major investment opportunities and deliver development by 2026, it is proposed that Condition 6 of the LDO is modified to introduce a second, lower threshold. The effect of this change is to permit Phase 1 development subject to limiting vehicle trips to/from the Site so there is no net change to AM and PM peak flows on the highway network and inter-peak flows remain significantly lower than the AM and PM peak hour. The cap on trip generation at certain times of the day provides a level of control for the highway authorities which does not currently exist for the Site and allows sufficient flexibility to deliver and operate Phase 1 of the development.

For any development beyond this threshold, NH and LHA's would be provided with additional modelling output and their guidance sought before any additional development would be consented through the Certificate of Compliance process.

Measures are in place to implement site-wide and plot-specific travel planning. It is considered that the restrictions proposed in Condition 6 will provide incentive to manage the operation of the site efficiently and encourage developers to work together to coordinate a common approach to managing demand and implementing sustainable travel.

Tables in PCU

Table 1: Peak Hour Trips to/from the Site

| Development Scenario | PCU Movements to/from site | |
|---|----------------------------|-----------------------|
| | AM Peak (08:00-09:00) | PM Peak (17:00-18:00) |
| Extant Use (Current Power Station Use + EMERGE Centre) | 557 | 338 |
| Phase 1 Development | | |
| Phase 1 Development (including retained + EMERGE) | 399 | 359 |
| Net Change to Extant Use | -157 | 21 |
| Phase 1 + 2 Development | | |
| Phase 2 Development | 313 | 146 |
| Phase 1 + Phase 2 Development (including retained + EMERGE) | 713 | 505 |
| Net Change to Extant Use | 156 | 167 |

Table 2 – Daily traffic flows to/from development (Phases 1 and 2)

| | Vehicular Movements to/from site (PCU) | |
|-----------|---|---|
| | Phase 1 Development (including retained + EMERGE) | Phase 1 + Phase 2 Development (including retained + EMERGE) |
| 0000-0100 | 0 | 0 |
| 0100-0200 | 0 | 0 |
| 0200-0300 | 0 | 0 |
| 0300-0400 | 0 | 0 |
| 0400-0500 | 253 | 253 |
| 0500-0600 | 1272 | 1357 |
| 0600-0700 | 1108 | 1256 |
| 0700-0800 | 213 | 433 |
| 0800-0900 | 399 | 713 |
| 0900-1000 | 89 | 449 |
| 1000-1100 | 104 | 300 |
| 1100-1200 | 92 | 345 |
| 1200-1300 | 343 | 605 |
| 1300-1400 | 1369 | 1684 |
| 1400-1500 | 1135 | 1296 |
| 1500-1600 | 135 | 279 |
| 1600-1700 | 120 | 310 |
| 1700-1800 | 359 | 505 |
| 1800-1900 | 44 | 195 |
| 1900-2000 | 54 | 107 |
| 2000-2100 | 286 | 366 |
| 2100-2200 | 1266 | 1266 |
| 2200-2300 | 1013 | 1013 |
| 2300-0000 | 0 | 0 |

Table 3 – Inter-peak traffic flows (with phase 1 development only) compared against peak traffic flows (2026 without development)

| Highway Link | Direction | Max peak flow on highway network - from 2026 Reference Case model (ie No Development) (PCU) | Inter-peak traffic flows (1300-1400) | | | Difference With Development Inter-peak flow vs Max Peak Baseline flow |
|--|------------|---|--|--|--|---|
| | | | Baseline flow on highway network (PCU) | Net increase in trip generation from Phase 1 (PCU) | Total inter-peak flow with Phase 1 (PCU) | |
| A453 between MI Jn24 & Site | Eastbound | 2179 (PM peak) | 1514 | 650 | 2164 | -15 (-1%) |
| | Westbound | 2465 (PM peak) | 1515 | 140 | 1655 | -810 (-33%) |
| A453 between Site & Mill Hill Roundabout | Eastbound | 1999 (PM peak) | 1427 | 73 | 1500 | -499 (-25%) |
| | Westbound | 2111 (PM peak) | 1398 | 338 | 1736 | -375 (-18%) |
| M1 running lanes south of Jn 24 | Northbound | 6664 (PM peak) | 5487 | 211 | 5698 | -966 (-14%) |
| | Southbound | 7061 (AM peak) | 5283 | 45 | 5328 | -1732 (-25%) |
| M1 running lanes north of Jn24 | Northbound | 6379 (PM peak) | 4737 | 17 | 4755 | -1625 (-25%) |
| | Southbound | 6154 (AM peak) | 4376 | 81 | 4457 | -1697 (-28%) |

Table 4 – Inter-peak traffic flows (with development phases 1 & 2) compared against peak traffic flows (2026 without development)

| Highway Link | Direction | Max peak flow on highway network - from 2026 Reference Case model (ie No Development) (PCU) | Inter-peak traffic flows (1300-1400) | | | Difference With Development Inter-peak flow vs Max Peak Baseline flow |
|--|------------|---|--|---|---|---|
| | | | Baseline flow on highway network (PCU) | Net increase in trip generation from Phases 1 & 2 (PCU) | Total inter-peak flow with Phases 1 & 2 (PCU) | |
| A453 between MI Jn24 & Site | Eastbound | 2179 (PM peak) | 1514 | 741 | 2255 | +76 (+3%) |
| | Westbound | 2465 (PM peak) | 1515 | 248 | 1763 | -702 (-28%) |
| A453 between Site & Mill Hill Roundabout | Eastbound | 1999 (PM peak) | 1427 | 129 | 1556 | -443 (-22%) |
| | Westbound | 2111 (PM peak) | 1398 | 386 | 1784 | -327 (-16%) |
| M1 running lanes south of Jn 24 | Northbound | 6664 (PM peak) | 5487 | 240 | 5727 | -937 (-14%) |
| | Southbound | 7061 (AM peak) | 5283 | 80 | 5363 | -1697 (-24%) |
| M1 running lanes north of Jn24 | Northbound | 6379 (PM peak) | 4737 | 31 | 4768 | -1611 (-25%) |
| | Southbound | 6154 (AM peak) | 4376 | 93 | 4468 | -1686 (-27%) |

Table 5 – Inter-peak traffic flows with capped phase 1 development only, and compared against peak traffic flows (2026 without development)

| Highway Link | Direction | Max peak flow on highway network - from 2026 Reference Case model (ie No Development) (PCU) | Inter-peak traffic flows (1300-1400) | | | Difference With Development Inter-peak flow vs Max Peak Baseline flow |
|--|------------|---|--|---|---|---|
| | | | Baseline flow on highway network (PCU) | Net increase in trip generation with cap on Phase 1 (PCU) | Total inter-peak flow with cap on Phase 1 (PCU) | |
| A453 between MI Jn24 & Site | Eastbound | 2179 (PM peak) | 1514 | 446 | 1960 | -219 (-10%) |
| | Westbound | 2465 (PM peak) | 1515 | 86 | 1601 | -864 (-35%) |
| A453 between Site & Mill Hill Roundabout | Eastbound | 1999 (PM peak) | 1427 | 45 | 1472 | -527 (-26%) |
| | Westbound | 2111 (PM peak) | 1398 | 232 | 1630 | -481 (-23%) |
| M1 running lanes south of Jn 24 | Northbound | 6664 (PM peak) | 5487 | 145 | 5632 | -1032 (-15%) |
| | Southbound | 7061 (AM peak) | 5283 | 28 | 5311 | -1749 (-25%) |
| M1 running lanes north of Jn24 | Northbound | 6379 (PM peak) | 4737 | 11 | 4748 | -1631 (-26%) |
| | Southbound | 6154 (AM peak) | 4376 | 56 | 4431 | -1723 (-28%) |

Appendix A2: Comment Received from National Highways April 2023



Our ref: 22/01339/LDO
Your ref: 22/01339/LDO

Emily Dodd
Rushcliffe Borough Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottinghamshire
NG2 7YG

Catherine Townend
Spatial Planner
The Cube
199 Wharfside Street
Birmingham
B1 1RN

Tel: 07710 365579

06 April 2023

Via email: planningandgrowth@rushcliffe.gov.uk

Dear Ms Dodd,

Proposed Local Development Order for development at Ratcliffe-on-Soar Power Station, Ratcliffe-on-Soar, Nottingham, NG11 0EE

Thank you for consulting National Highways on the above-referenced Local Development Order (LDO) consultation for the redevelopment of the Ratcliffe-on-Soar Power Station.

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth.

The SRN closest to the development site ('the Site') is the M1 motorway, A50 trunk road, and the A453 trunk road between its junction with the A52 in Nottingham, southwest to the Finger Farm roundabout (west of the M1).

This letter provides a final update to our previous responses of 5 September 2022 and 19 January 2023 following constructive engagement with the Site promoters and their transport consultants. These discussions, alongside further information presented to us, have enabled us to form a pragmatic position which supports the LDO whilst simultaneously safeguarding our network and assets via suitably worded conditions.

National Highways September 2022 Response

Our first response summarised our review of the Transport Assessment (dated July 2022) produced in support of the LDO. This identified several outstanding items to be provided to National Highways to demonstrate that the impacts of the proposed development have been accurately presented.

This response also noted (notwithstanding the above) that several SRN junctions were predicted to exceed their operational capacity in the forecasted year of the development opening. Indicative mitigation with respect to M1 junction 24 and 24A was proposed in the Transport Assessment, though it was noted that these highways improvements did not completely mitigate the cumulative impacts of development. We also considered that the scheme itself may be undeliverable from an engineering perspective. No mitigation was proposed to address the forecasted mainline queuing at M1 junctions 25 and 26, nor the exceeded junction capacities along the A453 trunk road.

We highlighted therefore that the proposal was not in accordance with DfT Circular 02/2013¹ Paragraph 34 which states: *'Where insufficient capacity exists to provide for overall forecast demand at the time of opening, the impact of the development will be mitigated to ensure that at that time, the strategic road network is able to accommodate existing and development generated traffic.'*

National Highways January 2023 Response

Following our September 2022 response, we were reconsulted in December 2022 with amendments to the draft LDO and a technical note to address our concerns.

We responded to this consultation in January 2023 highlighting reservations with respect of the revised wording to Condition 6 of the LDO which would enable two out of the three phases of the LDO to come forward prior to the need for further assessment or highways mitigation. We highlighted our concern with this approach as the proposed phasing would still generate a net increase of 120 trips (190 PCUs) during the PM peak hour (17:00 – 18:00 hrs), the impact of which was untested.

In addition, we highlighted a concern that trip generation outside of the above-mentioned traditional network peak hours was a concern with respect of the first phase of development which generates an interpeak of over 1,200 new vehicle trips in a single hour. This interpeak was associated with shift changeover times, scheduled to occur outside the peak travel periods.

National Highways April 2023 (Latest) Response

Vehicle Trip Generation

To address the concerns raised in our January 2023 response, the Site promoters have suggested a further revision to the wording of Condition 6 which introduces a trip generation cap for the interpeak period, alongside a trip generation cap for the AM and PM peak periods. The wording of this condition would enable a smaller proportion of the LDO site to come forward prior to the need for any further transport assessments or highways mitigation.

¹ DfT Circular 02/2013 was replaced by Circular 01/2022 on 23 December 2022. However, planning proposals with Transport Assessments pre-dating the introduction of new Circular will continue to be assessed against the old Circular.

National Highways has considered this approach, and with some minor revision to the proposed wording of Condition 6, we consider that this would be acceptable. Condition 6 therefore enables a quantum of development to be constructed and occupied that could create up to a maximum of 522 vehicle trips per hour during a two-hour AM peak period (07:00 – 09:00 hrs) and 331 trips per hour during a two-hour PM peak period (16.00-18.00 hrs).

This cap for the peak hours is equivalent to the extant planning permission for the Site. Following the closure of the power station in 2024 therefore, the first phase of the development can be allowed to come forward without trip generation exceeding previously permitted levels.

Phase 1 development on its own would in fact equate to a net decrease in trips during the peak hours following the power station closure. Some of Phase 2 development would also be able to come forward without the above peak hour cap being exceeded. However, the cap would be exceeded before the second phase of the LDO can be fully occupied.

A separate, much higher cap of 920 vehicles per hour is to be applied to interpeak trip generation (i.e.: anything outside the network AM and PM peak periods). This cap has been applied as it is understood that shift working patterns will generate a significant increase in interpeak trips for the Site. This cap ensures therefore that interpeak traffic flows 'with development' will remain lower than 'without development' peak hour flows. With this cap in place, we thus can be reasonably assured (without traffic modelling) that the interpeak vehicle trips can be accommodated without severe detriment to the capacity of the surrounding highway network or its safety.

Development generating vehicle trips beyond the above-mentioned levels would not be able to be occupied without further traffic assessments to determine that the existing highway infrastructure can accommodate this increase (alongside the cumulative growth from surrounding developments) or that new or improved highway infrastructure can and will be delivered to mitigate any unacceptable impacts.

As such, in accordance with the above explanation and summary, National Highways requests that the below worded condition is included in the LDO:

| |
|---|
| National Highways Condition 1 (Revision to Condition 6 of draft LDO) |
| Development on the site shall proceed in accordance with the following; |
| a) Not to occupy or allow occupation of any building constructed on the Site that results in the total quantum of development permitted by this LDO exceeding 544,000 m ² GFA, or which generates total vehicle trips to/from the Site in excess of: |
| i. 522 trips per hour in the AM peak period (07.00 to 09.00 hrs), or |

- ii. 920 trips per hour during any interpeak period (i.e.: any period outside of the AM and PM peaks defined by this condition), or
- iii. 331 trips per hour in the PM peak period (16.00-18.00 hrs)

unless and until traffic modelling is undertaken assessing the impact on M1 Junction 24 and the wider highway network and it has been agreed in writing by the Local Planning Authority in consultation with the relevant highway authorities that development traffic above any of the thresholds determined under condition 6(a)(i),(ii),or (iii), of this LDO would not result in an unacceptable safety impact and that the residual cumulative impact on the operation of the highway network would not be severe.

b) Not to occupy or allow occupation of any building constructed on the Site that results in the total quantum of development permitted by this LDO on the Site exceeding 610,000 m2 GFA, or which generates total vehicle trips to/from the Site in excess of:

- i. 557 trips per hour in the AM peak period (07.00 to 09.00 hrs) or,
- ii. a number of trips per hour during any interpeak period (i.e.: any period outside of the AM and PM peaks defined by this condition) to be agreed with the Local Planning Authority in consultation with the relevant highway authorities, or
- iii. 451 trips per hour in the PM peak period (16.00-18.00 hrs)

until and unless traffic modelling is undertaken assessing the impact on M1 Junction 24 and the wider highway network and it has been agreed in writing by the Local Planning Authority in consultation with the relevant highway authorities that development traffic above any of the thresholds determined under condition 6(b)(i),(ii),or (iii), of this LDO would not result in an unacceptable safety impact and that the residual cumulative impact (from this and other committed developments) on the operation of the highway network would not be severe, or that highway mitigation schemes are prepared and submitted to the Local Planning Authority for approval in writing in consultation with the relevant highway authorities and thereafter either the mitigation is implemented in accordance with the agreed schemes, or an agreement is in place for the delivery of the agreed schemes.

Monitoring, Enforcement, and Sustainable Travel

Whilst National Highways is content that the above condition wording limits the level of development traffic permitted to be generated without further assessment, this restriction can only work in practice with effective monitoring and enforcement to ensure that trip generation caps are not exceeded.

In addition, considerable effort will be needed to maximise the take-up of sustainable transport to/from the Site which will be necessary to limit the number of vehicle trips impacting the surrounding highways, whilst allowing the Site to become operational.

Whilst enforcement is ultimately the responsibility of the Local Planning Authority, Condition 10 of the draft LDO is the mechanism through which vehicle trip generation for development plots within the LDO will be monitored and reduced.

National Highways therefore requests that the below worded condition is included in the LDO:

| National Highways Condition 2 (Revision to Condition 10 of draft LDO) |
|---|
| <p>Prior to any building or buildings within any part the Site being occupied or first brought into use, a Site Wide Travel Plan (SWTP) must be submitted to and approved in writing by the Local Planning Authority in consultation with the relevant highway authorities.</p> |
| <p>The SWTP must be informed by and incorporate the measures included in the Site Wide Travel Plan Framework document prepared in support of the LDO and must make provision for the appointment of a Site Wide Travel Plan Coordinator along with arrangements for monitoring and review of the SWTP.</p> |
| <p>Prior to any building or buildings within any part the Site being occupied or first brought into use a Sustainable Transport Strategy (STS) must also be submitted to and approved in writing by the Local Planning Authority in consultation with the relevant highway authorities.</p> |
| <p>The STS must set out the sustainable transport infrastructure that will be delivered (and when) to provide the opportunities for employees and visitors to travel to the Site sustainably. This should include details of the infrastructure provision (and other mechanisms/incentives) to maximise access to and use of the adjacent East Midlands Parkway railway station to achieve the (minimum) 14% travel to the Site by rail as set out in the Transport Assessment.</p> |
| <p>The STS should also provide details of walking, 'wheeling', and cycling infrastructure through the Site, (shuttle) bus access and bus routes through the site, locations of bus stops, and set out arrangements for providing bus services including frequencies, routes, phasing of delivery, funding, procurement and review arrangements.</p> |

All applications for a Certificate of Compliance submitted under this LDO in respect of a traffic generating use of a specific plot or development area must include a Plot Specific Travel Plan (PSTP) and a Plot Specific Transport Statement (PSTS).

The PSTP must be based upon the approved SWTP and STS, with a monitoring regime to confirm that cumulative trip generation is in accordance with the requirements of Condition 6 and to set out how preliminary modal shift targets and supporting mechanisms for securing additional sustainable transport measures will be achieved.

The development must thereafter be operated in accordance with the approved PSTP, PSTS, SWTP and STS.

Boundary Impacts

Our January 2023 response noted that a "Highways Safeguarding Report" would be submitted by developers with applications for a Certificate of Compliance. We considered that this approach would be acceptable to National Highways providing that the requirement to produce such a report is made explicit in a Condition of the LDO, similar to the 'East Midlands Airport Aerodrome Safeguarding Plan' which formed Condition 12 of the LDO.

As such, National Highways recommends a further condition to safeguard our operations and assets with respect to potential physical impacts resulting from the adjacent LDO development:

National Highways Condition 3 (new condition)

Each application for a Certificate of Compliance shall include a Highways Safeguarding Plan to be submitted to the Local Planning Authority in consultation with the highway authority for the A453 and M1. This plan shall identify the potential physical impacts arising from development plots within the LDO which share a physical boundary with the strategic road network. The development shall be carried out and maintained thereafter in accordance with the approved plans.

Construction Impacts

Due the proximity of the development site with National Highways network, construction activities if not appropriately managed may have an undesirable impact on our network and assets. Appendix C of the LDO summaries construction impacts identified in the

Environmental Statement and Condition 7 of the draft LDO sets out that these impacts must be addressed through a Code of Construction Practice (CoCP).

National Highways notes however that Appendix C does not reference the impacts of construction traffic (associated with both deliveries and construction workers) and therefore we seek the below revised wording which includes the requirement for a Construction Traffic Management Plan:

National Highways Condition 4 (Revision to Condition 7 of draft LDO)

The development hereby permitted must not be commenced in relation to any part of the Site until a Code of Construction Practice (CoCP) for that development has been submitted to and approved in writing by the Local Planning Authority in consultation with the relevant highway authorities.

The CoCP must address all construction impacts as identified in the Environmental Statement and as summarised in Table C (Appendix C) of this LDO and must include a Construction Traffic Management Plan identifying the likely impact of construction traffic and how any impact will be mitigated. The development shall only be carried out in accordance with the approved CoCP.

I hope that this letter provides a clear explanation of National Highways position in relation to this LDO consultation in particular the reasons for the conditions that we consider to be necessary for the LDO to be adopted.

If I can provide any further clarity on this response or to discuss our requirements further, please do not hesitate in contacting me.

Yours sincerely,

Catherine Townend

Catherine Townend
Email: catherine.townend@nationalhighways.co.uk

CC: Victoria Lazenby CC: Ben Simm

Appendix A3: Transport Response Note May 2023

Responding to April comment from National Highways



| | |
|------------|-----------------------|
| Subject | Ratcliffe-on-Soar LDO |
| Job No/Ref | 283253 |
| Date | 5 May 2023 |

Ratcliffe-on-Soar LDO

Response to April 2023 comments from National Highways

Following discussions, National Highways (NH) have written to Rushcliffe Borough Council (RBC) (letter dated 6th April 2023) to provide further comments in relation to the proposed conditions to be attached to the Ratcliffe-on-Soar Local Development Order (LDO).

This note has been produced both to respond to these latest comments and to support Rushcliffe Borough Council in determining the LDO.

1. Introduction

Following statutory consultation on the draft Ratcliffe-on-Soar Local Development Order (LDO) in Summer 2022, discussions have been on-going with National Highways to address issues raised.

National Highways has provided formal comments in its letters of 5th September 2022 and 19th January 2023, and these letters have been responded to on 21st October 2022 and 27th January 2023 [the 21st October and 27th January Transport Notes]. Meetings have also taken place, most recently 1st February and 16th February 2023 to agree issues (see Meeting Notes issued on 3rd February and 22nd February). Where appropriate, amendments have been made to the LDO documents to accommodate comments made, as has been set out in the Transport Notes and Notes from Meetings.

Through this dialogue, a pragmatic approach has been reached which should allow delivery of the Ratcliffe development to commence - and thereby start to deliver on UK Government's Freeport Policy objectives. Conditions attached to the LDO will be used to manage this delivery and to manage the impact of the development on the highway network.

In its 6th April letter, NH state *"These discussions, alongside further information presented to us, have enabled us to form a pragmatic position which supports the LDO whilst simultaneously safeguarding our network and assets via suitably worded conditions."* This support for the LDO is welcomed.

This comment builds on earlier comments including NH's email 23rd November 2022 which stated *"Based on the information provided, National Highways are likely to be able to agree to Phase 1 of the Ratcliffe Freeport coming forward without need for highways mitigation or further junction assessments. This is because Phase 1 demonstrates a net decrease in trips on the network."* This email also stated *"...to agree to Phase 1 and 2 coming forward, we would wish to see modelling of M1 J24 using a Vissim model..... Assuming that the above-mentioned junction modelling doesn't give rise to capacity issues, we would likely be able to agree to Condition (6) wording similar to that proposed in your letter."*

| | |
|------------|-----------------------|
| Subject | Ratcliffe-on-Soar LDO |
| Job No/Ref | 283253 |
| Date | 5 May 2023 |

In the letter of 6th April, NH has proposed some minor rewording to some conditions (conditions 6, 7 & 10) and introduced a new condition on Boundary Conditions. As set out below, the majority of these suggestions are acceptable, however there are areas where alternative wording is recommended in order to better align with the structure and objectives of the LDO.

2. Condition 6

Condition 6 of the LDO builds on the analysis of trips generated by the proposed development as set out in the Transport Assessment (TA). It is recognised that the early phases of development are likely to comprise industrial, energy and logistics uses and that, as these uses operate a shift working arrangement, they will generate a relatively small number of trips during the peak periods. It is also noted that new development trips will, in part, replace existing trips that will cease following the closure of the power station.

In its letter, NH suggests that the cap for peak hour movements into and out of the site should be limited to that permitted by the “*extant planning permission for the Site*”. Currently the site has planning consent for a Power Station which was granted in the 1960’s and this does not set any limits on trip rates to/from the Site. As highlighted both in the TA (see sections 2.1, 6.3.1.1 and 8.6.4) and in the 27th January Transport Note, between 2010 and 2015 there were 3,500 staff working on the site with an extra 470 two-way HGV movements per day.

More recently, the number of people working on the site has reduced as operations at the power station have reduced. The calculations set out in the TA are based on 500 staff working at the power station. To this is added the trips associated with the engineering academy, technology centre, substations and the peak operational trips set out in the TA accompanying the Planning Consent for the EMERGE facility (Ref: 8/20/01826/CTY). This approach calculates that currently 522 and 331 vehicles access the site in the AM and PM peak periods. These flows are significantly lower than has been accommodated on the network relatively recently.

In imposing a condition which controls the first phase of development to current peak trip rates, the LDO is placing a more stringent control on highway impacts than currently exists through the extant planning permission for the site, which has no limitations.

Furthermore, it is highlighted that Condition 6 is designed to deal with the permanent and long-term impacts of the development and therefore is intended to apply to operational traffic as opposed to traffic generated by construction or demolition operations. The numbers used in the condition and presented in the TA, are all based on calculations of the day-to-day operational vehicle movements.

NH’s wording that the caps in Condition 6 should apply to “*total vehicle trips*” could be interpreted to include trips associated with construction and demolition and this would be problematical. Construction and demolition activities are, by their nature temporary, variable and transient. Including construction/demolition trips within the Condition 6 caps could lead to a situation when newly occupied development would need to close or stop operations, to allow other consented development to be constructed, with disruption potentially changing daily depending on the construction activities being undertaken. The variable levels of trips generated by construction activity would also mean that the condition would likely fail the test of precision, due to the

Subject Ratcliffe-on-Soar LDO
 Job No/Ref 283253
 Date 5 May 2023

potential that construction traffic/operations could change on a daily basis. It would also likely fail the test of enforceability, due to the fact that there could be a number of developers on the Site operating under separate Certificates of Compliance (in addition to the EMERGE and current power station operations) and it would be difficult for the LPA to force some operators to cease activity in order for a particular construction work to proceed. Additionally, this approach would not be in line with NPPF principles to promote sustainable development, as it would not help to support stable or economically sustainable businesses on the Site.

Potential construction impacts are addressed in LDO Condition 7, where it is noted that NH have included wording requiring submission of a Construction Traffic Management Plan and this should be the appropriate condition to address construction vehicle trips and impacts (see below).

Other amendments to Condition 6 proposed by NH have helped to clarify the wording of this condition and has been incorporated. Whilst it is not necessary to explicitly state that the Local Planning Authority (LPA) should consult with relevant highway authorities – this would be done as part of normal practice within the LPA and would apply to all relevant technical authorities, stakeholders and interest groups – NH’s suggested text has been incorporated.

LDO condition 6 is therefore proposed as follows (amendments to the wording set out in the 27th January Transport Note are highlighted in red).

| No | Condition | Reason |
|----|---|--|
| 6 | <p>Development on the site shall proceed in accordance with the following:</p> <p>a) Not to occupy or allow occupation of any building constructed on the Site Not to occupy or allow occupation of any building constructed on the Site that results in the total quantum of development permitted by this LDO exceeding 544,000 m² GFA, or which generates operational vehicle trips to/from the Site in excess of one of the following thresholds:</p> <ul style="list-style-type: none"> i. 522 trips per hour in the AM peak period (07.00 to 09.00 hrs), or ii. 920 trips per hour during the inter-peak period (09.00 to 16.00 i.e. any period outside of the AM and PM peaks defined by this condition), or 09.00 to 16.00 i.e. any period outside of the AM and PM peaks defined by this condition), or iii. 331 trips per hour in the PM peak period (16.00-18.00 hrs) <p>may be occupied unless and until traffic modelling has been undertaken to assess the impact on M1 Junction 24 and the wider highway network during the AM peak, PM peak and inter-peak hours, and it has been agreed in writing by the Local Planning Authority in consultation with the relevant highway authorities with National Highways that development traffic above this any of the thresholds determined under condition 6(a)(i),(ii) or (iii) of this LDO would not result in an unacceptable safety impact and that the residual cumulative have a severe impact on the operation of the highway would not be severe.</p> <p>b) Not to occupy or allow occupation of any building constructed on the Site Not to occupy or allow occupation of any building constructed on the Site that results in the total quantum of development permitted by this LDO exceeding 610,000 m² GFA, or which generates operational vehicle trips to/from the Site in excess of one of the following thresholds:</p> <ul style="list-style-type: none"> i. 557 trips per hour in the AM peak period (07.00 to 09.00 hrs) or, ii. a number of trips per hour during any interpeak period (i.e. any period outside of the AM and PM peaks defined by this condition) first to be agreed with the Local Planning Authority in consultation with the relevant highway | <p>To ensure that development operational traffic (i.e. that associated with the day-to-day operation of the permitted development, operational traffic generated by the EMERGE facility and any remaining uses on the Site) does not which exceeds existing levels during peak periods or which might generate excessive inter-peak flows in excess of existing peak flows does not which could create a severe impact on the highway network.</p> <p>To ensure that the required the required transport mitigation measures are delivered at the appropriate time to address the impacts from the development and that a holistic transport solution is achieved which accommodates the needs of other major developments planned to come forward in the local area.</p> |

Subject Ratcliffe-on-Soar LDO
 Job No/Ref 283253
 Date 5 May 2023

| | | |
|--|---|--|
| | <p>authorities National Highways during the inter-peak period (09.00 to 16.00), or</p> <p>iii. 451 trips per hour in the PM peak period (16.00-18.00 hrs)</p> <p>may be occupied unless and until traffic modelling is undertaken assessing the impact on M1 Junction 24 and the wider highway network, and it has been agreed in writing by the Local Planning Authority in consultation the relevant highway authorities that development traffic above any of the thresholds determined under condition 6(b)(i),(ii) or (iii) of this LDO would not result in an unacceptable safety impact and that the residual cumulative impact on the operation of the highway would not be severe, or that highway mitigation schemes are prepared and submitted to the Local Planning Authority for approval in writing in consultation with the relevant highway authorities and thereafter either the mitigation is implemented in accordance with the agreed schemes, or an agreement is in place for the delivery of the agreed schemes- such time as a package of highway works to mitigate for highway impacts has been implemented or an agreement is in place between the developer, National Highways and/or the relevant highway authority for the delivery of these works. The package of highway works shall be agreed with National Highways and the relevant local Highway Authorities and shall be based on vehicle trip monitoring and updated traffic modelling incorporating all known and/or committed development at that time.</p> | |
|--|---|--|

3. Construction Impacts / LDO Condition 7

Condition 7 of the LDO seeks to control the construction impacts of the development by requiring developers to submit a Code of Construction Practice (CoCP) for approval by the Local Planning Authority. NH's proposal that the CoCP includes a Construction Traffic Management Plan is accepted and helps clarify the relationship between this Condition and Condition 6.

The CoCP will address a range of issues and in deciding on the adequacy of the CoCP, the LPA will need to consult with a wide range of bodies – as is normal practice – not only relevant highway authorities. To avoid confusion, it is suggested that specific reference to relevant highway authorities could create confusion here and is not required.

LDO condition 7 is therefore proposed as follows (amendments to the wording set out in the draft version of the LDO are highlighted in red).

| No | Condition | Reason |
|----|--|--|
| 7 | <p>The development hereby permitted must not be commenced in relation to any part of the Site until a Code of Construction Practice (CoCP) for that development has been submitted to and approved in writing by the Local Planning Authority Council. The CoCP must address all construction impacts identified in the Environmental Statement and as summarised in Table C in Appendix C of this LDO and must include a Construction Traffic Management Plan identifying the likely impact of construction traffic and how any impact will be mitigated. The development shall only be carried out in accordance with the approved CoCP.</p> | <p>To ensure that the impacts arising from the construction of development permitted by this LDO are appropriately managed and controlled.</p> |

Subject Ratcliffe-on-Soar LDO
Job No/Ref 283253
Date 5 May 2023

4. Sustainable Travel / LDO Condition 10

Condition 10 of the LDO is used to encourage sustainable travel, and is supported by a Site Wide Travel Plan Framework (SWTPF) which accompanies the LDO.

Following comments from Nottinghamshire County Council Highway Authority, this condition was amended to include a requirement for a Public Transport Strategy (PTS). NH's proposal to expand the remit of the PTS to include "walking, wheeling and cycling infrastructure" and propose renaming it to a "Sustainable Transport Strategy" (STS). This is accepted.

NH seeks that the STS sets out the sustainable transport infrastructure measures to be delivered and when this will occur. This issue is already addressed under LDO Condition 5, which requires a Transport & Biodiversity Mitigation Strategy to be submitted with each application for Certificate of Compliance. Appendices B and C of the LDO detail the requirements for the Transport & Biodiversity Mitigation Strategy, and Table C of Appendix C specifically refers to the sustainable transport measures (along with other transport mitigation) in the Transport Assessment and the Site Wide Travel Plan Framework. Therefore, it is felt that delivery of sustainable travel transport mitigation is adequately addressed under LDO Condition 5.

NH propose that use of rail travel is identified specifically in this clause and that infrastructure, mechanisms and incentives to achieve a minimum 14% travel to site by rail is set out. The Site Wide Travel Plan Framework (SWTPF) sets out a broad range of measures to encourage sustainable travel, including promoting buses, car-sharing, cycling as well as rail. This will be managed by an appointed Travel Plan Coordinator and specific measures adopted for individual developments will be set out in Plot Specific Travel Plans (PSTP). The SWTPF (section 7.5) sets out targets for sustainable travel. These, together with the vehicle trip caps set out in LDO condition 6, is considered to be sufficient to control sustainable travel and will allow developers the flexibility to bring forward a mix of sustainable transport measures which are practical and deliverable. Singling out of the rail mode is not required to achieve an appropriate sustainable transport solution tailored to suit the operational requirements of occupiers. It would also be difficult for the LPA to enforce a %age target specifically for rail travel.

NH suggest that Plot Specific Travel Plans (PSTP) confirm that the cumulative trip generation is in accordance with the trip caps in Condition 6. The requirements for a PSTP are set out in the Submission Checklist in Appendix B of the LDO, which requires the PSTP submitted with an Application for a Certificate of Compliance, to set out the hourly trip generation from the proposed development together with cumulative trips. It will be for the LPA to determine whether an Application for Certificate of Compliance is in conformity with LDO Condition 6.

NH also suggest a Plot Specific Transport Statement (PSTS) is provided. With the PSTP providing details of sustainable transport measures and trip generation, and the Transport & Biodiversity Mitigation Strategy setting out delivery of transport mitigation, it is not considered that a PSTS would be necessary.

Subject Ratcliffe-on-Soar LDO
 Job No/Ref 283253
 Date 5 May 2023

LDO condition 10 is therefore proposed as follows (amendments to the wording set out in the draft version of the LDO and amended as described in the 21st October Transport Note are highlighted in red).

| No | Condition | Reason |
|-----|---|--|
| 10. | <p>Prior to any development within any part the Site being occupied or first brought into use, a Site Wide Travel Plan (SWTP) must be submitted to and approved in writing by the Council Local Planning Authority in consultation with the relevant consultees. The SWTP must be informed by and incorporate the measures included in the Site Wide Travel Plan Framework document prepared in support of the LDO and must make provision for the appointment of a Site Wide Travel Plan Coordinator along with arrangements for monitoring and review of the SWTP.</p> <p>Prior to any development within any part of the Site being occupied or first brought into use, a Public Sustainable Transport Strategy (PSTS) must also be submitted to and approved in writing by the Council Local Planning Authority. The PSTS must provide details of bus access and bus routes through the site, locations of bus stops, and details of walking, "wheeling" and cycling infrastructure, and set out arrangements for providing these services including frequencies, routes, phasing of delivery, funding, procurement and review arrangements.</p> <p>All applications for a Certificate of Compliance submitted under this LDO in respect of a traffic generating use of a specific plot or development area must include a Plot Specific Travel Plan (PSTP). The PSTP must be based upon the approved SWTP and STS, with a monitoring regime to achieve preliminary modal shift targets and supporting mechanisms for securing additional sustainable transport measures. The development must thereafter be operated in accordance with the approved PSTP, STS and SWTP.</p> | <p>In order to ensure that the development includes measures to encourage reduced dependency on the private car as a mode of travel.</p> |

5. Highway Safeguarding Boundary Conditions (new Condition)

In response to NH's letter of 5th September, the Submission Checklist in Appendix B of the LDO was amended to include a requirement for developers to provide a Highway Safeguarding Report to confirm that the development had been designed with regard to safeguarding of the highway (see the 21st October Transport Note). NH has confirmed that this approach is acceptable and have asked for a specific condition in the LDO to reinforce this requirement.

The provision of an additional clause is accepted and is in line with the treatment of Aerodrome Safeguarding in the LDO. A new clause is proposed as follows:

| No | Condition | Reason |
|-----|--|--|
| tbc | <p>Each application for a Certificate of Compliance shall include a Highways Safeguarding Plan that shall be submitted to and approved in writing by the Local Planning Authority. The Highway Safeguarding Plan shall identify the potential physical impacts arising from development plots within the Site which share a physical boundary with the Strategic Road Network. The development shall be carried out and maintained thereafter in accordance with the approved Plans.</p> | <p>To protect the safe operation of the Strategic Road Network adjacent to the Site.</p> |

| | |
|-------------------|-----------------------|
| Subject | Ratcliffe-on-Soar LDO |
| Job No/Ref | 283253 |
| Date | 5 May 2023 |

6. Conclusion

National Highways support for the LDO is welcomed. In response to comments set out in NH's letter of 6th April 2023, amendments to LDO conditions 6, 7 and 10, and a new condition, have been proposed. The text in red above highlights that the majority of NH's comments have been incorporated and where certain issues have been addressed elsewhere in the LDO, this has been explained. It is hoped that this note will support RBC in finalising the LDO.

Appendix A4: Comment Received from National Highways May 2023

National Highways response to April Transport Note dated 05 May 2023



Our ref: 22/01339/LDO
Your ref: 22/01339/LDO

Emily Dodd
Rushcliffe Borough Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottinghamshire
NG2 7YG

Catherine Townend
Spatial Planner
The Cube
199 Wharfside Street
Birmingham
B1 1RN

Tel: 07710 365579

25 May 2023

Via email: planningandgrowth@rushcliffe.gov.uk

Dear Ms Dodd,

Proposed Local Development Order for development at Ratcliffe-on-Soar Power Station, Ratcliffe-on-Soar, Nottingham, NG11 0EE

Thank you for consulting National Highways on the above-referenced Local Development Order (LDO) consultation for the redevelopment of the Ratcliffe-on-Soar Power Station.

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth.

The SRN closest to the development site ('the Site') is the M1 motorway, A50 trunk road, and the A453 trunk road between its junction with the A52 in Nottingham, southwest to the Finger Farm roundabout (west of the M1).

This response should be read in conjunction with our previous response of 6 April 2023 and ARUP Technical Note response to National Highways comments, dated 5 May 2023.

Proposed Revision to Condition Wording

In our last formal response to this application, we recommended a number of conditions be written into the LDO. These conditions served to protect the safety and effective operation of National Highways network.

Since that response, we have received ARUP technical note of 5 May 2023 (attached to this email for reference), which sets out proposed revisions to the wording of four of our recommended conditions.

Condition 6 – Vehicle Trip Generation

ARUP on behalf of the LDO promoters have suggested that the wording of Condition 6 be amended from 'total' to 'operational' vehicle trips. As explained in ARUPs letter, this would mean that any construction related traffic is discounted from the cap on vehicle trip generation imposed by this condition. In response to this, whilst National Highways would be concerned that this change in wording could lead to the cap in vehicle trip generation being exceeded during construction (albeit temporarily), we are at the same time content that a separate condition of the LDO (Condition 7) exists to manage the construction traffic impacts of any developments within the LDO. As such, we can accept this proposed change to Condition 6 as set out in ARUPs letter.

Condition 7 – Construction Impacts

ARUP have proposed that the phrase 'in consultation with the relevant highway authorities' could add to confusion as the planning authority would need to consult other authorities, not just the highways authorities. ARUP therefore propose that this wording is removed. National Highways understands the rationale for this but recommends the wording be changed (rather to removed) to 'in consultation with the relevant stakeholders'. This would make it consistent with ARUPs proposed wording for Condition 10.

Condition 10 – Sustainable Travel

ARUP have proposed that sustainable travel mitigation measures are already addressed under Condition 5 of the LDO with the requirement to submit a 'Transport and Biodiversity Mitigation strategy' (referencing Appendix C of the LDO) and as such, does not need to be included under Condition 10. We accept this.

It is also accepted that the condition does not need to explicitly refer to a minimum 14% travel by rail (as recommended in our previous response) and that there would be associated difficulties of enforcing this. We also accept the position that a Plot Specific Transport Statement should not be necessary as the key information (such as plot specific trip generation) would be covered in a Plot Specific Travel Plan. We are content therefore that ARUPs proposed wording of Condition 10 is suitable.

Condition #TBC - highway safeguarding

ARUPs letter agrees to the introduction of a new condition in relation to highway safeguarding. This is to address potential boundary related impacts given that some plots within the LDO are immediately adjacent to our network. We are content with the wording as set out in ARUPs letter with the exception that the phrase 'in consultation with the relevant stakeholders' is included. This would make it consistent with Conditions 7 and 10 as above.

We have no further comments to make at this time. If I can provide any further clarity on this response or to discuss our requirements further, please do not hesitate in contacting me.

Yours sincerely,

Catherine Townend

Catherine Townend
Email: catherine.townend@nationalhighways.co.uk

CC: Victoria Lazenby CC: Ben Simm

Copyright

Produced by Arup

ARUP