

Appendix 11: Development Management Scrutiny Report

Ref: 22/01339/LDO

Local Development Order - Ratcliffe on Soar Power Station

Scrutiny Report

Introduction

The purpose of this document is to consider whether the steps taken by Rushcliffe Borough Council to make a Local Development Order for the redevelopment of Ratcliffe on Soar Power Station accords with relevant legislation and guidance, and whether the assessment of the matters raised as part of considering the proposals have been appropriately considered.

A description of the proposed development and consideration of the matters raised forms part of the associated full council report.

Background

A Local Development Order (LDO) in England is a planning document that grants planning permission for certain types of development within a defined area. LDOs are typically used to streamline the planning process for specific types of development.

The purpose of an LDO is to simplify the planning process by pre-determining certain planning conditions and standards that developers must adhere to. This allows developers to proceed with their projects without the need to go through the usual individual planning applications, which can be time-consuming. They can be progressed in agreement with the site owner and the planning authority.

LDOs are usually created by local planning authorities and specify the types of development that are permitted, along with any specific requirements or limitations. They can cover a range of developments, such as small-scale commercial projects, changes of use for certain buildings, or alterations to shop fronts. LDOs are intended to provide greater flexibility and efficiency in the planning process, while still ensuring that development aligns with local planning policies and safeguards environmental considerations.

Following a recommendation by the Director for Development and Economic Growth it was decided at a Cabinet Meeting on 23.11.2021 for Rushcliffe Borough Council to enter into “a Memorandum of Understanding with the site owner and works with them to prepare a draft Local Development Order...”

Statutory Rights

In accordance with the Town and Country Planning Act 1990 (as amended) and the Town and Country (Development Management Procedure) (England) Order 2015, a Local Development Order can only be granted where all of the land is within their own administrative boundary, and that it does not affect a listed building; it does not fall within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; and that it would not have adverse effects on the integrity of a protected European Site or European Offshore Marine Site (as the case may be) (see the Conservation of Habitats and Species Regulations 2017, amended by the Conservation of Habitats and Species and Planning (Various Amendments)).

In this instance, the site is entirely within Rushcliffe Borough Council's administrative area and there are no listed buildings within the site that would be affected by the proposals. Following a detailed EIA screening assessment, it is considered that the proposals would not fall within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. No European Site or European Offshore Marine Site would be affected by the proposals.

In conclusion, procedurally, it is considered that the authority has a statutory right to progress an Local Development Order as the location and the matters proposed fall within the legislative requirements set out in the Town and Country Planning Act 1990 (as amended) and the Town and Country (Development Management Procedure) (England) Order 2015, *et al.*

Purpose and Objective

Ratcliffe on Soar Power Station is a strategically significant site of around 265 hectares alongside the A453 at the western edge of Rushcliffe. The power station is due to close in line with government policy, which is to end coal-fired power generation by September 2024.

The need for this LDO is considered an appropriate route to secure the reuse of those parts of the site that will be redundant after decommissioning and, at the same time, to provide planning consent in time to enable new businesses to be up and running by 30 September 2026. This is the final date by which businesses have to be operational in order to qualify for full Freeport benefits.

The objectives of the LDO have been defined as:

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

It should be noted that the objectives are considered to align with the proposals that form part of the area covered by East Midlands Development Company that is intended to support future regional development with a particular focus on three major strategic sites centred on the East Midlands Airport area, Toton and Chetwynd Barracks and Ratcliffe on Soar Power Station. The five local authorities who are also supporting the initiative have formally set up a body to begin its work, laying the foundations for a new kind of statutory development corporation identified as part of government plans to boost economic growth through planning reform.

The East Midlands Development Company was established following the submission of a detailed business case to government, which highlighted the potential of the three strategic

sites identified to fuel a step change in regional economic performance that ties into the Levelling Up agenda, HS2 – East Midlands Parkway station, and the Government’s Clean Growth Strategy.

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

The LDO would grant planning permission for:

“New development comprising

i) the erection of buildings up to a maximum gross floor area (GFA) of 810,000 m² to accommodate the following uses:

- Energy Generation & Storage;
- Advanced Manufacturing & Industrial (Class E(g)(iii) & B2);
- Data Centre;
- Logistics (Class B8) up to a maximum of 180,000 m² (GFA) on the Northern Area only;
- Research & Development & Offices (Class E(g) (i) & (ii));
- Education (Skills and Training) (Class F1(a)), and;
- Community hub providing complementary services and uses primarily for the occupiers of the Site, including an active travel mobility centre, small scale retail (Class F2(a)), one café/bar (Class E(b)), one hot food takeaway (sui generis), a creche or children’s nursery (Class E (f)), a gym or fitness facility (Class E (d)) and one hotel not exceeding 150 beds (Class C1).

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

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

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

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

The detail of these proposals is set out in a parameter plan and design guide. In essence they show the entire site being separated into 10 different parcels (A-J) of varying sizes, each with a specific criteria in respect of land use and design parameters.

Environmental Impact Assessment (EIA) Regulations

The Council issued a Screening Opinion on 2 March 2022 which confirmed that the Ratcliffe-on-Soar LDO proposal is an EIA development that falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 with the requirement for an Environmental Statement (ES) to be prepared.

The EIA Scoping Report was submitted on 22 December 2021 and a Scoping Opinion was issued on 7 March 2022. This confirmed that the Council was satisfied with the adopted methodology and that of the topic areas identified there were none that should be 'scoped out'.

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

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

The ES presents the findings of the EIA undertaken in accordance with the EIA Regulations. Running concurrently with the formulation of the LDO, the ES has sought to identify any likely significant environmental effects through the assessment of the development Parameter Plans.

To ensure a robust approach, this typically entailed, a 'worst-case' assessment of the maximum development allowed within those parameters. This is not to say that the development will be implemented to these maximum parameters (the level of development could be lower as long as it is within the parameters) and therefore the ES is considered to represent a 'worst-case' assessment.

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

The ES has also determined the residual significant beneficial and adverse environmental effects remaining after mitigation has been incorporated which are considered within the LDO and Statement of Reasons document.

Following consultation an addendum was provided which concluded that there would be no new or different significant cumulative or in-combination effects as a result of the updated traffic modelling data for the Proposed Development.

In conclusion, the necessary steps to comply with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 have been met.

Public Consultation

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

- "persons whose interests the authority consider would be affected by the order if made"
- "any person with whom they would have been required to consult on an application for planning permission for the development proposed to be permitted by the order."

It is also a requirement that the local planning authority must—

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

During the consultation period, a local planning authority must also ,

- (a) make a copy of the draft local development order, the environmental statement and statement of reasons available for inspection and publish on their website the draft local development order, the environmental statement and the statement of reasons as well as where the document can be inspected.

There is also a requirement that the LDO must be publicised in a local newspaper and a site notice erected also detailing the availability of those documents for inspection, the places where and times when they can be inspected; and the date by which representations on the draft local development order must be received.

In addition, there is also a requirement to consider public representation as part of any modifications.

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

Statutory consultation took place from 21 July to 5 September 2022. The LDO and accompanying supporting documents (e.g. Design Guide, Transport Assessment and Environmental Statement) were available for inspection at the Council’s offices. The documents were also available on the Council’s planning website portal, which included the LDO, Statement of Reasons, and all supporting documents.

Consultees could view and comment on the application via the planning portal system. Alongside this statutory consultation, officers representing the Council in its role as Promoter of the LDO, assisted by Arup, also undertook information events on the draft LDO in order to update nearby communities and help them to make more informed responses to the consultation. This included two public exhibitions where Exhibition Panels, updated from the non-statutory consultation, were displayed: Thrumpton Village Hall, 16th August 2022, (65 attendees); and Gotham Memorial Hall, 18th August, (73 attendees).

Following the consultation, a detailed Statement of Community Consultation addendum document was prepared to consider and address all comments made in relation to the Local Development Order.

Having considered public and consultee comments the Local Development Order was modified primarily in relation to highways matters, building design parameters and the acceptable uses on the southern area of the site as well as minor matters.

A further consultation exercise was undertaken with all interested parties and consultees from 12th December 2022 to 19th January 2023 in relation to the amended proposals. The representations made as part of this consultation and the responses from consultees have been considered in the making of the LDO and form part of a Statement of Community Consultation second addendum document. No major changes have been made to the LDO since this time to warrant further consultation, prior to adoption.

It is considered that the statutory requirements in respect of public consultation have been correctly undertaken during the making of the Local Development Order. All comments have been satisfactory addressed in the making of the Local Development Order.

Planning Considerations

The purpose of this report is to ensure that the conclusion of each relevant matter has been considered and if necessary, addressed by way of conditions.

Green Belt

The entirety of the application site is located within the wider Nottingham and Derbyshire Green Belt. It should be noted that the LDO itself cannot release land from the Green Belt but, subject to national and local planning policy considerations development can be permitted within it.

Within the report submitted to Cabinet in November 2021, it was explained that 'the case for allocating the site for new development and removing it from the Green Belt is being considered as part of preparing for the Greater Nottingham Strategic Plan (GNSP), however, the timescale for the adoption of the GNSP would mean that it would not align with the Freeport process that required development to have been started and be occupied by 2026, hence a Local Development Order was progressed.

The National Planning Practice Framework (Paragraphs 147 to 151) states that development which is harmful to the Green Belt is inappropriate development and should not be approved except in Very Special Circumstances (VSC). VSC exist where potential harm to the Green Belt is clearly outweighed by other considerations.

The outcome of the Local Development Order would be that planning permission would be granted for the development of buildings (and associated infrastructure) for employment generating uses within the Green Belt to enable the re-development of the site as a Freeport. Separate consent would be required for the design and layout of each building.

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

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

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

To limit the visual impact on the wider Green Belt, the maximum building height of any future building on the southern plot has been reduced, a landscape buffer has been introduced along

the southern boundary and there is a requirement for a wider landscape strategy of the entirety of the LDO site.

It is considered that the LDO would ultimately provide harm to the openness of the Green Belt and represents inappropriate development, as defined in Paragraphs 147 to 151 of the NPPF, however it is concluded that the wider social, economic and environmental benefits of the proposal provide very special circumstances to outweigh any potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal.

Overall, it is considered that the re-development of the power station site and the land to the south of the A453 for the uses proposed by the LDO can be considered appropriate to provide the very special circumstances to justify development within the Green Belt when balancing the overall harm to the openness to the Green Belt it would cause.

Site Uses

The overall intention is that the site will be transformed into a centre for “energy production and storage, advanced manufacturing and industry. It will deliver the technology and industry required to help move towards a net-zero carbon future.”

This would include advanced manufacturing, including of technology needed to transition to net-zero, green and low-carbon energy generation, and energy storage for more efficient energy use. The site is separated into 10 plots (A-J) as defined in the relevant parameter plan. The parameters would underpin redevelopment of the site to provide occupier flexibility. As set out within the submitted Design Guide, the parameters establish the physical and spatial limits of what can be delivered on the section of the site. For example:

- Land Use: Establishes the distribution of permitted land uses across the site and maximum floorspace for each class;
- Transport: How the transport needs of Ratcliffe should be achieved on site and integrated through good design;
- Infrastructure and Services: Establishes the locations for key strategic infrastructure elements;
- Building Heights and Design: Guidance on building scale and other design features;
- Landscape: Establishes a strategic landscape framework to be followed in bringing forward any development.

This approach allows for each section of the site to be considered against this comprehensive design guide. The use classes are correctly driven towards employment generation in the context of “energy production and storage, advanced manufacturing and industry” and provide a wide range of flexible, fully serviced plots and infrastructure to suit businesses of all scales.

Following further consultation, the proposed uses associated with the northern parcels of land closest to the East Midlands Parkway station were altered to encourage a mixed-use campus style development with higher employment density which would benefit from the proximity of East Midlands Parkway (and its upgrade associated with HS2).

The uses proposed are typical of this form of development and are considered reasonable.

Proposed layout and design

A detailed Design Guide and the Parameter Plans form part of the Local Development Order. Their purpose is to set out the acceptable location and distribution of development across the site. The plans set out the parameters within which future development must fit:

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

Clearly, the exact design and precise layout of each parcel is not considered at this stage of the process. Should the LDO be adopted, then Applications for a Certificate of Compliance under the LDO would need to be submitted and approved for each detailed proposal. The Design Guide and Parameter Plans are intended to inform and support the process of preparing an Application for a Certificate of Compliance under the LDO. It sets out broad Design Principles that would be applied by the Council when assessing compliance applications and will help to ensure that such applications deliver the outcomes aligned to the vision and objectives of the LDO and also assist in a timely and efficient determination of such applications by the Council.

The design parameters have been informed by detailed environmental studies that includes a Landscape and Visual Impact Assessment which has been used to help inform the maximum height of future buildings.

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

The visual impact of development within this envelope, including its impact on the Green Belt, has been considered in the Landscape and Visual Impact assessment of the Environmental Statement.

This has concluded that the visual impact would be significant from certain viewpoints and the Design Guide as originally drafted included measures in respect of building design and landscaping, aimed at mitigating these impacts. Such impacts must also be weighed against the considerable economic benefits that would arise from bringing this development forward.

It should be noted that whilst the Parameter Plans set maximum heights to provide maximum flexibility to attract potential investors, it is not anticipated that development would completely fill this envelope. Large areas will be dedicated to access roads, parking and service yards

which will not be visible from a distance. The buildings will also reflect their function, and for some manufacturing uses, buildings of more modest height are likely to come forward.

The Design Guide which accompanies the LDO establishes a number of important principles (Parameters A1 to A10) to help reduce the visual impact of the proposed buildings and ensure they are sympathetic to their surrounding environment.

However, recognising concerns from the local community about the impact of the buildings on the Southern Area, the height parameters were reduced meaning that the maximum overall height would be up to 30 metres but with an exception to go higher, up to a maximum of 40 metres on up to 20% of the plot. Providing this additional height is shown to be necessary to deliver the development.

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

It is considered that restricting building heights further is not considered appropriate as this would not help to deliver the employment, skills and net zero objectives of the LDO and would potentially limit potential operators who would invest in this area.

It is considered that sufficient consideration has been given and justified conclusions reached in respect of the overall design parameters as set out in the Design Guide and detailed on the Parameter Plans. It provides a clear set of requirements for the development of each parcel of land to assess further Applications for a Certificate of Compliance against.

Impact on Highways

It is acknowledged in the Local Development Order that the proposals would create additional traffic movements, demands for new public transport service and road improvements. The approach to dealing with these matters has been to allow a proportion of development (610,000 m² or which generates operational traffic above particular set trip levels) that would use some of the remaining capacity of the national and local road network, and then thereafter allow no further development until such time as a further transport modelling is complete with the overall intention of creating a holistic transport solution taking account of the wider development of the Freeport development, HS2 and other committed development once they are known.

To ensure impact is minimised, a Sustainable Transport Strategy would be required to be prepared and approved prior to any building being occupied that would include identifying opportunities to improve bus services to local communities around the site. There is also a requirement for developers to contribute funding towards cycle routes accessing the site through a Biodiversity and Transport Mitigation Strategy.

Whilst it is noted that Leicestershire County Council as an adjoining local highway authority object to the proposals on highway grounds, the National Highways Authority support the LDO's approach and Nottinghamshire County Council as Local Highway Authority has indicated that, as National Highways has stated that it is satisfied that the wording of the conditions would ensure that the Strategic Road Network 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.

For development to commence in the short term, it is reasonable to allow a proportion of the site to be developed giving that it has been demonstrated that it would have a limited impact on the local and national road networks.

What is unknown at this stage is what highway improvements would be required for the remainder of the site, how much they would cost and how it would be funded, but equally the exact nature of what would be developed on each parcel of the LDO and the associated impact on the local and national road network are not yet known. It should be highlighted that there may be an unknown period of time between the first parcel being constructed and the remainder of the site being developed because the nature of local and national highways improvements are unknown at this stage. The road improvements (where necessary) would potentially be funded through legal agreements associated with each subsequent Certificate of Compliance application. The Freeport scheme provides saving in business rates so that they can be used to contribute towards infrastructure improvements.

The overall purpose of the LDO is to provide flexibility for the development of the remainder of the site which this would provide. It is considered that the detailed assessment of highways matters has been sufficient, and that the approach to allow a proportion of development without further transportation modelling has been agreed with statutory consultees and would allow commencement of the Freeport in accordance with mandatory Government timescales.

Ecology and Biodiversity

It is a requirement within the LDO for an appropriate level of landscaping and Biodiversity Net Gain (BNG) to be provided. This has been based on detailed ecological assessment to consider the existing biodiversity value of the wider site.

The LDO will require the development to deliver a minimum of 10% BNG. Together with a hierarchy for delivering BNG, with the preference for it to be provided on-site. The Design Guide (Principle A3) has been amended to require developers to maximise the potential to include green roofs, or solar PV, as part of the building design. Principle SL2 (as revised) also encourages biodiversity to be provided within plots and to be designed to link with nearby areas of biodiversity to create ecological corridors across the site. Developers will be required to set out their proposals for the long-term management of BNG areas within the Transport and Biodiversity Mitigation Strategy.

The Environmental Impact Assessment has identified that the risk from development of any indirect impacts to statutory and non-statutory wildlife sites is low, such that any impact is considered not significant.

Based on these requirements as set out in the condition, associated with the LDO it is reasonable to conclude that the overall biodiversity value of the site would be improved and secured throughout the site.

Heritage

The impact on heritage assets is considered in Chapter 8 (Archaeology and Built Heritage) of the submitted Environmental Statement which considers that the potential impact on all built heritage assets is “not significant”. Following consultation, Nottinghamshire County Council asked for further consideration of: the settings of Ratcliffe-on-Soar village and the group of designated and non-designated heritage assets therein; the level of visual impact on the

setting of Kingston Hall (Grade II Listed and registered parkland) and designated heritage assets therein; the level of visual impact from within Kingston-on-Soar village with a high concentration of designated listed buildings and important views out of the designated Trent Lock Conservation Area.

After further consideration, a "Response to built heritage/conservation comments by Nottinghamshire County Council" document was prepared. It concluded that the proposals have been appropriately considered and that the development would have no significant impact on these heritage assets also identified by Nottingham County Council.

It is considered that all heritage matters having regard to the Ancient Monuments and Archaeological Areas Act (1979) and the Planning (Listed Building and Conservation Areas) Act 1990 have been appropriately considered as part of the proposed adoption of the Local Development Order.

HS2

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

The connectivity of the Site will be further enhanced by Government's proposals to connect HS2 services into East Midlands Parkway station. HS2 will increase the number of services stopping at East Midlands Parkway and provide fast and reliable services which will allow the site to be accessed by a much larger population.

Whilst no specific design details have been finalised for East Midlands Parkway, one of the design principles set out in the LDO Design Guide is to "maximise potential to connect to EMP Station, considering future HS2 terminal." This would apply to all new development and is considered appropriate.

Connectivity and Public Rights of Way

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

It is proposed to retain these footpaths, though with diversions in some instances (which will require applications under Section 257 of the Town and County Planning Act 1990). Furthermore, within the parameter plan for the whole site it is also a design requirement that all future development has the "Inclusion of cycle paths and footpaths within the site to support active travel and leisure and recreation opportunities."

It is reasonable to conclude that the proposals would actively improve connectivity in the long term and that no Public Rights of Way would be lost as a result of the proposals. Overall, connectivity would be improved to and through the site.

EMERGE Centre

A proposal for the 'East Midlands Energy Re-Generation Centre' (EMERGE Centre), which comprises a multi-fuel energy recovery facility and associated infrastructure, was granted planning permission on 24 March 2022 by Nottinghamshire County Council, who is the planning authority for waste management related development (planning application reference: ES/4154).

This is a new energy-from-waste facility which will generate electrical and heat energy which will be fed into the grid and would be used to supply other developments which are built on the site over time.

This proposed LDO would not prohibit the development of the EMERGE Centre as it could continue to be implemented irrespective of the detail to be included in the LDO, as the basis of the initial design parameters has taken account of its location within the site.

Minerals and Waste

As part of the consultation exercise British Gypsum commented that they have the rights to mine for gypsum on a section of land on the northern part of the site as the site forms part of the minerals safeguarding area. The site owner has confirmed that British Gypsum are seeking to recover these minerals prior to the implementation of this part of the Local Development Order, and that the exploratory works are already being undertaken. It is reasonable to assume that this approach would not prohibit construction of the LDO given that only part of the site is affected, and that work is already underway for removal of the gypsum.

This approach is subject to condition 19 within the LDO that would delay implementation of LDO approved development within an area to the north east of the site (this is defined by the Potential Gypsum Resource Area parameter plan) until such time as those with a commercial interest establish whether the gypsum can be extracted on an economically viable basis, and if so, to submit an appropriate planning application for such extraction. If the planning application is approved by the mineral planning authority, then further time is allowed to cover a period of extraction

Furthermore, condition no. 16 would also be in place for the appropriate removal and management of the existing fly ash on the southern part of the site.

There would also be a site waste management plan dealing with waste associated with construction and a separate agreement for the waste generated through demolition.

It can therefore be concluded that all relevant measures in relation to minerals and waste affecting the development have been appropriately considered and where relevant conditioned.

Conclusion

It is considered that during the creation of the Local Development Order the correct statutory process has been undertaken. In particular, sufficient publicity and consultation has been undertaken on the proposals and the views considered. In accordance with the Regulations, appropriate consultation has been undertaken on modifications to the proposals. Sufficient information has been made and considered in relation to the Environmental Impact Assessment) Regulations 2017.

In respect of the planning merits, both the parameter plan and design guide that form part of the LDO provide the basis of further assessment of each parcel of land with the site and provide reasonable limits on use, size and building height as well as other environmental improvements with the overall intention of achieving the aims of the project.

The development would result in the development of Green Belt land, being inappropriate development as defined by the NPPF, however it is considered that the wider social, economic and environmental benefits of the proposal provide the necessary “very special circumstances” to justify building within a Green Belt location. In accordance with national and local policy

In respect of transport, the overall approach is to provide a proportion of development within the wider site without requiring further transportation modelling to establish what highway improvement may be required. It is considered that this approach is reasonable to allow development to commence and secure the Freeport status of the site. However, it should be noted that, as conditioned, a mechanism will need to be in place for any future highway improvements so that it is shared amongst all future users of the LDO site.

This report has considered whether the steps taken by Rushcliffe Borough Council to make a Local Development Order for the redevelopment of Ratcliffe on Soar Power Station accords with relevant legislation and guidance, and whether the assessment of the matters raised as part of considering the proposals have been appropriately addressed.

It should be noted that Development Management have been monitoring the planning matters associated with the proposed Local Development Order since inception, and whilst there is no statutory requirement to provide this scrutiny report, it has provided a separate critical overview of the steps taken and an assessment of the conclusions from a Development Management perspective.

In summary, it is considered that in the making of the LDO relevant legislation and guidance has been complied with, and the assessment of the planning matters as part of the consideration of the LDO have been appropriately assessed and shown to be acceptable.