



**Cabinet**

**Tuesday, 14 April 2026**

**Ratcliffe on Soar Local Development Order – Proposed Revisions**

## **Report of the Director – Development and Economic Growth**

### **Cabinet Portfolio Holder for Planning and Housing, Councillor R Upton**

#### **1. Purpose of report**

- 1.1. In July 2023, the Council adopted a Local Development Order (LDO) for the former Ratcliffe on Soar Power Station to streamline the planning process and to specify the types of uses which would be permitted on the site. The LDO allows for the creation of an industrial park focused on advanced manufacturing (including technology needed to transition to net-zero), green and low-carbon energy generation, and energy storage. The LDO grants planning permission, equivalent to the granting of outline planning consent, for the site's development in accordance with the conditions applied to the Order and the other provisions contained within it. Their use was encouraged by Government for Freeport sites.
- 1.2. Following approval at Cabinet on 11 November 2025, consultation was undertaken between 27 November 2025 and 6 January 2026 on several proposed amendments to the LDO. In summary, the proposed amendments consulted on were:
  - a) to allow data centre uses to be located on the southern part of the site (land south of the A453);
  - b) to allow environmental mitigation works to come forward early with Council agreement; and
  - c) to allow Local Labour Agreements to be agreed on a plot-by-plot basis.
- 1.3. In total, 60 consultation responses were received from statutory bodies, other organisations and members of the public. Following consideration of the responses, it is considered that the proposed amendments, with some limited further amendments, should be incorporated within the LDO. The latest schedule of proposed amendments to the LDO is at Appendix 1.

#### **2. Recommendation**

It is RECOMMENDED that Cabinet:

- a) notes the consultation representations received on the proposed amendments to the Ratcliffe on Soar Local Development Order;

- b) approves the proposed amendments to Ratcliffe on Soar Local Development Order in accordance with Schedule 4A(3) of the Town and Country Planning Act 1990 (as amended); and
- c) delegates authority to the Director – Development and Economic Growth or Assistant Director of Planning to incorporate the approved amendments into the Ratcliffe on Soar Local Development Order and publish the amended LDO.

### **3. Reasons for Recommendation**

- 3.1. The proposed Local Development Order amendments are to respond to changing economic and national policy circumstances regarding data centres; to allow greater flexibility to bring about appropriate environmental mitigation works; and to address limitations within the LDO condition relating to Local Labour Agreements.
- 3.2. The key issue with the LDO at present is that, whilst it identifies data centres as an appropriate use on site, by restricting their delivery to the northern part of the site only, it is not possible to accommodate a major data centre on any part of the site in the short term. This is because the northern part retains the power station buildings, which first need to be demolished, and British Gypsum is seeking to bring forward an open cast gypsum mine on the north east part of the site, having now secured planning consent. By comparison, the southern site is less constrained and development on this land can be brought forward more quickly. An amendment to the LDO to allow data centres on the southern part of the site would therefore enable both the site overall and the LDO's planning framework to respond to major data centre opportunities and initiatives arising now or in the near future.
- 3.3. The reason for commencing the LDO amendment ahead of the three year review and to specifically include data centres on the land to the south of the A453 is due to the East Midlands Combined County Authority (EMCCA) submitting a bid for an AI Growth Zone to Government.

### **4. Supporting Information**

#### **Background**

- 4.1. In July 2023, the Council adopted a Local Development Order (LDO) for the former Ratcliffe on Soar Power Station to streamline the planning process and to specify the types of uses which would be permitted on the site. The LDO allows for the creation of an industrial park focused on advanced manufacturing (including technology needed to transition to net-zero), green and low-carbon energy generation, and energy storage. The LDO grants planning permission for the site's development, equivalent to the granting of outline planning consent, in accordance with the conditions applied to the Order and the other provisions contained within it.
- 4.2. At the time the LDO was prepared and then approved, Government had encouraged the use of LDOs on Freeports sites where possible in order to help

accelerate and provide greater planning certainty for defined types of development in Freeport locations. It was the Government's view that such measures would empower local authorities to take a strategic approach to Freeports.

- 4.3. In order to secure approval for detailed proposals in accordance with the LDO, there is a requirement to submit a 'Certificate of Compliance' application, equivalent to the granting of reserve matters planning consent, for the Council's approval.
- 4.4. Prior to determination, Ward Councillors and the Chair of Planning Committee must be consulted on Certificate of Compliance applications and given the opportunity to comment. Where there is no difference of opinion on material planning considerations between these Councillors and the Planning Officer handling the application, officers have delegated authority to determine the Certificate. However, where a difference of opinion does arise, the Planning Officer must work with the Councillor(s) and the applicant to seek to resolve any material objections. If the disagreement cannot be resolved, the matter will be referred to the Cabinet Portfolio Holder for Planning and the Director for Development and Economic Growth for consideration. The Director must then work with the Councillor(s) to try to reach a consensus. If a consensus still cannot be achieved, the Ward Councillors and/or Chair of Planning Committee may refer the Certificate to Planning Committee for determination. Under delegated powers, the Director for Development and Economic Growth also has authority to determine other approvals or consents required under the LDO, including the approval of Section 106 or other legal agreements, provided the proposed agreement complies with the terms of the LDO, any documents approved under it, and the Council's Supplementary Planning Guidance.
- 4.5. It should be noted that the existence of the LDO does not prevent developers from submitting planning applications, should they wish to attempt to secure consent for development proposals that do not comply with the LDO.
- 4.6. The site's owner, Uniper, has requested that the Council considers making a limited number of amendments to the LDO and that these are dealt with separately and ahead of the formal three year LDO review process that is due to take place in mid-2026. The proposed amendments are in respect of three matters:
  - a) to allow data centre uses to be located on the southern part of the site (land south of the A453);
  - b) to allow environmental mitigation works to come forward early with Council agreement; and
  - c) to allow Local Labour Agreements to be agreed on a plot-by-plot basis.
- 4.7. It was agreed by Cabinet on 11 November 2025 that these proposed amendments should be published for consultation. The documents that were consulted on are at Appendix 3, 4 and 5.

## **Consultation on proposed LDO amendments**

- 4.8. The consultation was undertaken between 27 November 2025 and 6 January 2026. In total, 59 consultation responses were received from members of the public, public bodies and other organisations. At Appendix 2 is a summary of all the responses received. The main issues raised by consultees and a response to those issues is as follows.

### **Main issues raised: proposed amendment to allow data centres on the southern site**

#### Effect on LDO vision, Green Belt and very special circumstances and net-zero justification

- 4.9. Some consultees are concerned that further scope for data centre development on the site would dilute the overall vision, potentially diminishing the very special circumstances for development in the Green Belt, and water down the net-zero justification for development on the southern part of the site.
- 4.10. In response to this, data centres have always been part of the vision for the site and are a permitted use under the LDO. The proposal to allow data centre development to occur on the southern part of the site, as well as the northern area, does not change the vision for the development, nor the strategic alignment with wider regional policy. Over the last two years, the importance of data centres to the national economic future has become more apparent. The Government has identified data centres as Critical National Infrastructure and is currently seeking to establish a series of AI Growth Zones, and it is noted that EMCCA has led an application for an AI Growth Zone centred on the Ratcliffe site (see Appendix 6 (exempt item) for further details). These circumstances are considered to support, rather than undermine, the very special circumstances argument for development.
- 4.11. The original restriction on uses on the southern part of the site was made in response to stakeholder comments that the proposed development on this part of the site should be of sufficiently high calibre to mitigate for the impact on the existing landscape and the more openness of the Green Belt in this location. It is expected that data centres would typically be relatively low buildings, which can be built in a “campus” style arrangement, which are likely to sit more sympathetically within the landscape setting of the southern site, as compared to, for example, a gigafactory or energy facility.
- 4.12. In respect of the very special circumstances demonstrated to justify the LDO and proposed development in the Green Belt, these have been further reviewed. It is considered that making data centres an acceptable use on the southern area of the site area, in addition to energy generation and advanced manufacturing related development, would not materially alter the conclusions already reached in respect of very special circumstances. The very special circumstances for such development within the Green Belt has already been adequately justified and this justification can reasonably be considered to have been bolstered by the Government’s identification of data centres as Critical National Infrastructure.

- 4.13. In response to the point that it weakens the net-zero justification for development, data centres are fully electric buildings which enables them to be powered by low-carbon and zero-carbon electricity.

#### Effect on development delivery across the whole site

- 4.14. Concern has been raised that development on the southern part of the site would inhibit development on the northern area. In response to this, the LDO is intended to support the development on all parts of the sites, with the land to the north and south of the A453 benefitting from available land, access to strategic transport networks, utilities and power connectivity and other characteristics which make them suitable for development. There is no reason in principle why development on the southern area should inhibit development on the northern area.
- 4.15. While the southern part of the site is currently available, and development could come forward relatively quickly, the northern part of the site is generally not available in the short to medium term. On this part of the site, Uniper is currently completing decommissioning works and it has advised that it expects to shortly appoint a contractor to demolish the power station over the coming years. British Gypsum is also seeking to implement its mining rights to quarry gypsum across the north eastern part of the northern area, having already secured planning consent. Both activities will leave levelled development plots where the development could come forward in accordance with the LDO and submitted Phasing Plan. There is no clear reason why developing a data centre (or centres) on the southern part of the site would affect the deliverability of development on the northern part any differently from, for example, an energy facility being developed on the southern part of the site; a use that is already permitted on the southern area.

#### Effect on power demand

- 4.16. It has been questioned whether there would be sufficient power remaining for other uses on the site arising from the power demands from data centres. The existing electrical infrastructure on the Ratcliffe site makes this site suitable for uses with high power demands. Uniper has advised that it has applied to National Grid to secure a new 720 mega-watt (MW) connection to support data centre developments consistent with Government's AI Growth Zone ambition. Uniper also has other applications in progress with National Grid to support additional industrial and energy uses which can come forward under the LDO.
- 4.17. Further details on power demand would need to be made available when detailed development proposals come forward through the LDO's Certificate of Compliance process for detailed development. At that point, the Council would be able to review this issue based on up to date and accurate information.

#### Water demands from data centres

- 4.18. In response to the concerns arising from the water demands of data centres, there are no obvious reasons why data centre development in this location

would have materially different water requirements to a location elsewhere. The Government is keen for data centres to be developed within the UK and, therefore, wherever they are located their use of water will have to be appropriately managed. The site currently has an abstraction licence to take a large volume of water from the River Trent. This water was used for cooling of the Power Station and was partly evaporated in the cooling towers. The abstraction of water is regulated through the abstraction licencing process with the Environment Agency. There should be no impact on the potable water supply as this is managed by Severn Trent Water. The use of water for data centres would be controlled through other processes, and it would not be appropriate to control the use through the LDO.

#### Heat emissions from data centres

- 4.19. In response to concerns raised regarding heat emissions from data centres, it is reasonable to expect that these will be significantly lower than those from the former power station; therefore, any impacts are expected to be much lower. The use of water cooling further reduces the emissions of heat to air from data centres.
- 4.20. Condition 14 of the LDO requires an Operational Environmental Management Plan to be submitted with Certificate of Compliance applications. This plan will need to identify the measures employed to manage any emissions to prevent pollution and contamination. This provides the control for the Council to review individual proposals. Prior to operation, developments will also need to obtain relevant environmental permits from the Environment Agency. Developers will need to demonstrate that best available technologies are being employed to minimise impacts on the environment. The LDO also identifies that development will need to manage the use of energy on site by making use of waste heat where available.

#### Potentially capping the level of data centre development

- 4.21. Some consultees have suggested that, if data centres are allowed on site, then the potential extent of data centre development on the whole site should be capped. There is currently no cap on data centre development within the LDO.
- 4.22. In response to this, Uniper has made the point that the size of any data centre development on site is likely to be limited by the available power supply. National Grid will control the capacity of the power supply made available for any data centre and this will be a decision made outside of the planning system. Moreover, currently no Certificate of Compliance applications have been made for detailed development proposals on the site, and the challenge is to attract investors and start the redevelopment process. The Council can always decide to amend the LDO at a point in the future and impose a data centre development cap if there is evidence that other uses are being prevented from coming forward or that there are other harms to the environment or to the LDO vision.

### Maximum height limits

- 4.23. Some consultees have suggested that there should be a reduction in the maximum height parameter for data centres on the southern part of the site in order to reduce impact on the landscape. The LDO's Parameter Plans restrict the height of buildings on the southern site generally to 30 metres. This was determined to be an appropriate limit which would allow development to come forward in a way that avoided any undue adverse impacts on the appearance of the area. It is important to note that the proposed inclusion of data centres on the southern site is in addition to already approved energy and advanced manufacturing uses, not instead of them. It would remain possible for these other uses to come forward. There is therefore no clear justification for altering the height parameters overall. It is expected that data centres would typically be lower than this height limit and therefore fit within the LDO parameters. They may also sit more sympathetically with the surrounding landscape than other uses approved on the southern site. The Council will have the opportunity to review detailed design proposals and engage with the developer through the Certificate of Compliance process.

### Transport impacts from data centres

- 4.24. It has been identified by some respondents that data centres should generate lower levels of traffic compared to the other uses permitted on the southern part of the site. This was welcomed by Nottinghamshire County Council as the local highway authority, who also suggested that a Section 106 financial contribution from data centre development could be directed towards highway improvements. Condition 6 of the LDO establishes trip caps which link the build-out of the Ratcliffe site to the delivery of highway improvements, predominately at M1 Junction 24. It is more likely that data centre development could come forward within the first trip cap established by the LDO, when compared to some other forms of potential development that would generate more traffic movements. This is important as it would enable a significant level of development to come forward early with relatively limited traffic impact on the local areas, which is a concern for some residents, and could generate a Section 106 contribution to help fund highway improvements. A Section 106 contribution mechanism is already included in the LDO as an option in the Certificate of Compliance process.

### Potential changes to environmental impacts

- 4.25. Some respondents question whether data centre development on the southern part of the site would give rise to environmental impacts beyond those already assessed by the Environmental Impact Assessment (EIA) that supports the LDO. A data centre on the southern part of the site is considered likely to fit within the maximum parameters considered by the EIA and therefore no additional environmental assessment is required at this time. As detailed proposals come forward, the Council can identify, review and address any particular environmental issues or concerns through the Certificate of Compliance process.

## Impact on East Midlands Airport

- 4.26. MAG (East Midlands Airport) Safeguarding raised a concern about the potential for radio frequency/electromagnetic emissions and resulting effects on the airport. The potential for increased bird hazard due to warm flat roofs was also raised as a concern. In response, Condition 12 of the LDO was imposed following consultation with the relevant airport safeguarding authorities and requires an Aerodrome Safeguarding Plan and a Bird Hazard Management Plan to be submitted to the Council for approval. The Council is also able to consult with MAG (East Midlands Airport) Safeguarding at the Certificate of Compliance stage to seek comments on any detailed proposal. Therefore, mechanisms are already in place within the LDO to address concerns regarding impact of development on the airport.

### **Main issues raised: proposed amendment to allow environmental mitigation works to come forward early**

- 4.27. The proposed LDO amendment to allow environmental mitigation works to come forward early with Council agreement ahead of the delivery of Biodiversity Net Gain (BNG) units is questioned by some consultees. There is concern that it would unacceptably dilute the hierarchy for securing BNG and environmental improvements. Instead, BNG provision on site should be prioritised ahead of financial contributions for off-site environmental improvements.
- 4.28. In response to these points, the proposed amendment does not change the BNG target for the site, nor does it change the LDO's ambition to provide significant BNG on-site. Rather, the proposed amendment provides greater discretion to the Council to allow environmental mitigation proposals to come forward earlier and potentially in advance of development. In all cases, as currently set out in the LDO, the decision on whether to accept environmental mitigation proposals rests with the Council and not with the developer. The proposed amendment does not place any obligation on the Council to approve a proposal.
- 4.29. The option of allowing 'other environmental mitigation proposals' in lieu of BNG units was included in the LDO in response to a request by the Environment Agency to facilitate funding for a proposed Fish Pass on the River Trent. Such a proposal would have a significant environmental benefit. Similarly, there was a previous opportunity to financially support a local community woodland project. Such projects often have a limited 'window of opportunity' during which they can be realised, when different stakeholders are able to come together and support the scheme. However, the current wording of the LDO restricts when such environmental projects could come forward and this 'window' can therefore be missed. The proposed amendment would give the Council greater flexibility to allow this type of mitigation to come forward, but only if the Council is convinced of the merits of the scheme.
- 4.30. There was also a comment made that it would be desirable to increase the proportion of landscaping on the southern site, and that the proposed LDO amendment regarding the BNG hierarchy would undermine this aim. In response, the Parameter Plans included in the LDO identify the maximum

extent of the development plot on the southern part of the site and the area outside of the plot is identified in an approved parameter plan as strategic landscaping. This would not change as a result of the proposed amendment. However, if detailed development proposals do not fully occupy the development plot, the LDO allows the remaining area to be used for landscaping. Principles SL1 to SL8 of the LDO's Design Guide provide further detail on how landscaping should be incorporated within development proposals. Such matters would need to be further discussed between the Council and the developer at the Certificate of Compliance stage.

**Main issue raised: proposed amendment to allow Local Labour Agreements to be agreed on a plot-by-plot basis**

- 4.31. East Leake Parish Council has raised concern that the proposed wording of the Local Labour Agreement (LLA) condition within the LDO makes it applicable only to development plots and, instead, it should also apply to works on areas of the site outside development plots.
- 4.32. In response to this, the LLA condition encourages the use of local contractors to undertake construction work on the development permitted by the LDO and this would not change. The condition is not intended to apply to ongoing site management or maintenance works. As currently worded in the LDO, the condition could have been interpreted as requiring a single LLA covering the entire LDO site. This was not the intention as it would be difficult to achieve in practice. Development will come forward in separate phases and on different plots, under different timescales and with different contractors involved. It is much more practical to agree measures to encourage the use of local contractors on a development-by-development basis, as this is the point at which the types of skill and the number of contractors are known and can be matched to local resources. The proposal would simply introduce minor wording changes to make the original intent of the condition clear.
- 4.33. The majority of the work will be associated with the construction of the new buildings within the defined development plots. However, it is accepted that other works (e.g. road construction) will take place outside of the development plots and the LLA clause could be further amended to also encourage developers to employ local contractors to undertake some of these works (see the further proposed amendment to wording below at paragraph 4.63).

**Proposed amendment to allow data centres and the southern site area – conclusions**

- 4.34. Following the review of the consultation responses, and with reference to the information published as part of the consultation (the documents at Appendix 3, 4 and 5), the following conclusions have been reached concerning the proposed amendment to allow data centres on the southern site area.
- 4.35. The documents issued for consultation set out the background for the proposed amendment to permit data centre development on the southern site at Ratcliffe. They also highlight the potential benefits that this could bring both to Rushcliffe Borough and the wider region.

- 4.36. Since approval of the LDO in 2023, the national importance attached to data centre development has markedly increased, and government is seeking to secure the development of many more data centres in the UK. Government has confirmed data centres as Critical National Infrastructure and is identifying AI Growth Zones to help accelerate delivery.
- 4.37. In respect of national planning policy, changes to the National Planning Policy Framework (NPPF), which post-dates adoption of the LDO, specifically highlight and emphasise the importance of data centres for the national economy.
- 4.38. Specifically, NPPF paragraph 86 states: *“Planning Policies should: ...c) pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics”*.
- 4.39. Further to this, NPPF paragraph 87 states that: *“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for: ...a) clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections)”*.
- 4.40. As already referred to, EMCCA is promoting an East Midlands AI Growth Zone and has proposed that AI related industries and investment in digital skills are focussed on the ‘Trent Arc’ – an area which includes the Ratcliffe site. The Department for Science, Innovation and Technology has recently confirmed that this proposal, including Ratcliffe site, is under active consideration as a high potential AI Growth Zone opportunity. While this does not guarantee final AI Growth Zone status, it is a significant step forward at this stage.
- 4.41. With power availability, good access, and the proximity of a skilled workforce, the Ratcliffe site is considered an attractive option for data centre development.
- 4.42. It is understood that the granting of AI Growth Zone status would allow Government to accelerate work by National Grid to upgrade the electrical supply to the site. This would help improve power availability not only for data centres, but also for the other industrial and energy uses proposed by the Ratcliffe LDO.
- 4.43. Uniper is progressing work to demolish the power station and cooling towers on the northern site at Ratcliffe. Open-cast gypsum quarrying activities are also expected to begin relatively shortly on the north eastern part of this site, which would be ahead of LDO related development then taking place. This means that it may be some years before a sizable level of development can come forward on the land to the north of the A453. The southern site area is less constrained, and development should be able to come forward here relatively quickly.

- 4.44. The Freeport designation of the site is designed to encourage development and brings significant benefits to the Local Authority through business rates retention. Freeport status is time limited and the Council risks losing these benefits if development does not occur quickly enough. It is increasingly unlikely that development on the northern part of the site will meet these timescales.
- 4.45. Data centres can deliver significant economic benefits to their local area. In addition to the direct benefit of well-paid jobs, they can support university research and the growth of local technology businesses and start-ups. Business rates paid by a data centre to the Council are likely to be significant in scale. Uniper has estimated from £2m a year for a smaller data centre, up to £21m per year for the largest data centres. In addition, a significant Section 106 contribution may be able to be secured to fund supporting infrastructure.
- 4.46. Data centre development could potentially comprise a series of relatively low-rise buildings which, when compared to the building requirements for other potential uses on site, should be able to be more effectively screened with landscaping. Data centres produce limited noise or site emissions. Compared to some potential energy and advanced manufacturing uses, data centre development is more likely to be more compatible with, and sympathetic to, the existing landscape of the southern site area.
- 4.47. The traffic generated by a data centre is expected to be low, when compared to potential other uses on site, and is more likely to fit within the trip caps set out in the LDO. This should allow a data centre to be delivered sooner. Other types of development with higher traffic flows may have to wait a number of years until major highway improvements (including to M1 Junction 24) have been agreed with National Highways, other developers, and a variety of public sector bodies.
- 4.48. The proposed LDO amendment to allow data centre development on the southern site responds to the latest government priorities for growth of digital infrastructure, and the availability of the site to respond to this. It would encourage development to come forward more quickly, which should help unlock the wider Ratcliffe site. Business rates and section 106 contributions could be used to help to address the highway constraints which will support further delivery of the LDO vision and support wider Local Plan objectives.
- 4.49. Uniper has advised that the proposed amendment would support the company's application to National Grid to increase power supply to the site, which, in turn, will be important to support all types of development proposed by the LDO. It is understood that National Grid will give preference to sites which have planning consent and where there is a clear timescale for delivery. Under National Grid's processes, data centre uses further increase the priority of a site. Amending the LDO to allow data centres on the southern site area would therefore potentially help accelerate delivery of additional power capacity to the Ratcliffe site, which would hopefully create additional momentum to realise wider development across the site.
- 4.50. It is considered that concerns regarding the height and environmental impact of data centre development can reasonably be addressed through the

Certificate of Compliance processes already established by the LDO for determining the suitability of detailed proposals. It is important to reiterate that data centres are already permitted within the LDO and that these amendments do not seek to alter the existing development parameters set out in the LDO. At Certificate of Compliance stage, any data centre developer would be known, and detailed design proposals would be available to review. The Council retains decision-making powers in the Certificate of Compliance process, and the Council can therefore work to ensure that the proposals align with the LDO ambitions.

- 4.51. Overall, it is considered that the proposed amendment to allow data centres to be located in principle on the southern part of the site should be included within the LDO. The main issues raised by consultees in respect of this proposed amendment have been addressed above at paragraphs 4.9 to 4.30 and none are considered sufficient to justify a different conclusion.
- 4.52. The amendments to the LDO that are proposed for approval are at Appendix 1. The data centre related amendments remain unchanged from those which were published for consultation. In summary, these comprise:
- text changes to Section 2.4 to add an additional characteristic for acceptable uses to follow the wording in paragraph 87 of the NPPF and support the government ambition for developing AI and data centre growth;
  - the inclusion of additional text within the LDO's statement of reasons (Sections 7.3 and 7.4) to support the changes made, including to highlight government initiatives and policy changes to support and bring about data centre development;
  - a text change to the key of the Permitted Uses Parameter Plan;
  - equivalent changes to the Permitted Uses Plan and table in the Design Guide; and
  - equivalent text changes within Design Principles LU3 and LU6.

#### **Proposed amendment to allow environmental mitigation works to come forward early – conclusions**

- 4.53. Following the review of the consultation responses, and also with reference to the information published as part of the consultation (the documents at Appendix 3, 4 and 5), the following conclusions have been reached concerning the proposed amendment to allow environmental mitigation works to come forward early.
- 4.54. The proposed amendment does not change the BNG target for the scheme, rather it gives the Council greater discretion on how environmental improvements come forward, at its discretion in terms of approval.
- 4.55. The fact that the northern part of the site will be affected by power station demolition works and open-cast gypsum mining over the coming years, means that development proposals may take more time to come forward. This amendment would allow sensible environmental projects to be funded or delivered before, and independently from, development proposals on the site.

- 4.56. It is highlighted above that the Environment Agency was supportive of the Fish Pass proposal. The adoption of the proposed amendment would help support the early delivery of this environmental improvement, if deemed appropriate mitigation. Similarly, there was previously an opportunity for the Ratcliffe site to help enhance a local community woodland project, but this did not happen in the end and this was partly constrained by the current LDO wording.
- 4.57. The decision on whether to accept such proposals rests solely with the Council. The wording of the LDO (final paragraph, Section 3.3 of the LDO) makes it clear that the Council must agree to any “other environmental mitigation measures” and it is the Council who will decide whether any such measures meet the biodiversity net gain objectives of the LDO.
- 4.58. The proposed amendment does not change the powers of the Council to approve proposals. Rather it will give the Council greater flexibility to bring forward environmental benefits that can be enabled by the Ratcliffe redevelopment. On this basis, it is considered that the proposed amendment should be included within the LDO. The issues raised by consultees in respect of this proposed amendment have been addressed above and none are considered sufficient to justify a different conclusion.
- 4.59. The amendments to the LDO that are proposed for approval are at Appendix 1. They remain unchanged in respect of this matter from those published for consultation.

**Proposed amendment to allow Local Labour Agreements to be agreed on a plot-by-plot basis – conclusions**

- 4.60. Following the review of the consultation responses, and also with reference to the information published as part of the consultation (the documents at Appendix 3, 4 and 5), the following conclusions have been reached concerning the proposed amendment to allow Local Labour Agreements to be agreed on a plot-by-plot basis.
- 4.61. The Ratcliffe site will be built out in phases through several separate projects. It is therefore sensible that Local Labour Agreements (as required by LDO Condition 9) should be agreed on a project-by-project basis.
- 4.62. As highlighted by a consultee, it is recognised that the proposed amendment wording referred to a “development plot” and therefore might not capture construction works undertaken on other areas of the site. It is therefore proposed that the wording be amended further so that the condition is applicable to all works on any part of the site which are approved through the Certificate of Compliance process.
- 4.63. The following revised wording of LDO condition 9 is therefore proposed:

“~~The~~ Each development ~~hereby~~ permitted by a Certificate of Compliance must not be commenced on any part of the Site until a Local Labour Agreement (LLA), for the Site’s construction phase(s); of that development, has been

submitted to and approved in writing by the Council. The LLA must show how opportunities for people living in the locality, including employment, apprenticeships, and training, will be provided throughout the construction phase(s) of the development Site. All development of specific plots or development areas within the Site must be carried out in accordance with the approved LLA for that plot or area.”

- 4.64. On this basis, it is considered that this latest proposed amendment should be included within the LDO. The proposed wording for the amendment is also set out in Appendix 1.

### **Local Development Framework Group**

- 4.65. The proposed LDO amendments and the outcomes of the consultation on these amendments were considered by the Local Development Framework (LDF) Group on 16 March 2026. Whilst there was some support for the LDO amendment, the majority supported an alternative recommendation, set out below:
- a) remains of the view that the decision of and/or endorsement by Full Council is the most appropriate decision making route;
  - b) recommends that Cabinet consider the most appropriate mechanism by which amendments are revertible to Full Council; and
  - c) recommends any decision is only taken when it is demonstrated that the development enabled by the amended order will deliver tangible benefits to local communities.
- 4.66. The LDF Group is an advisory group of 15 cross party Councillors and their comments and recommendations will be considered by Cabinet.
- 4.67. At an earlier LDF Group Meeting on 12 November 2025, the majority of the Group asked for a decision on the proposed LDO amendments to be taken by Council rather than Cabinet. Having reviewed the constitution and sought a legal opinion, the decision to amend the LDO is an Executive (Cabinet) decision.
- 4.68. In respect of the LDF Group’s recommendations regarding decision-making route, amendments to an existing LDO is an executive function and therefore one to be taken by Cabinet, not Council. This is explained more fully below within section 7.2.
- 4.69. In relation to LDF Group’s recommendation that a decision should only be taken once it is demonstrated that the development enabled by the amended LDO will deliver tangible benefits to local communities, significant benefits will arise through job creation and inward investment to the region. Discussions have opened with Uniper on how the development might support wider community benefits for projects that are not necessarily linked to measures required to directly mitigate the effects of development. However, any financial support for such projects would, by law, need to sit outside the planning process and would

be separate from the approval of detailed proposals brought forward under the LDO.

## **5. Alternative options considered and reasons for rejection**

The Council could choose to not consider making amendments to the LDO at this stage. However, it is considered that amendments should be progressed in order to respond to important and relevant changing circumstances and thereby enable the LDO to continue to provide the best possible planning framework to support and help bring about the redevelopment and regeneration of the former Ratcliffe on Soar Power Station site.

## **6. Risks and Uncertainties**

There is a risk that the Ratcliffe on Soar Power Station site remains undeveloped following its decommissioning. The LDO was adopted in 2023 to help mitigate this risk and, by allowing it to evolve and change over time where necessary and appropriate, this should help further in managing this risk.

## **7. Implications**

### **7.1. Financial Implications**

7.1.1 There are limited financial costs associated with the work required to amend the LDO. Most of the supporting work prepared to date has been undertaken by consultants Arup who have been appointed and paid for by the site owners, Uniper. There will be Council officer time required to support the process of making LDO amendments, which can currently be contained within existing resources. The Council is, however, negotiating with Uniper for it to reasonably cover any associated costs of the Council.

7.1.2 Any costs that will need to be borne by the Council should, however, be considered and balanced against the longer-term benefits of facilitating significant and sustainable economic growth.

### **7.2. Legal Implications**

7.2.1 Local Planning Authorities (LPA) can grant planning permission for development specified in an LDO. The legislative procedures that must be followed in order to bring forward and adopt an LDO (or in this case make amendments to an existing LDO) are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and Articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Schedule 4A(3) of the Town and Country Planning Act 1990 specifies that an LDO (or in this case amendments to an existing LDO) is of no effect unless it is adopted by resolution of the LPA. The legislation does not distinguish between original drafting and revising, and therefore the same procedures apply (e.g. a requirement for a minimum 28 days

consultation on draft proposals with prescribed bodies and other bodies, as per a conventional planning application).

- 7.2.2 Approval of a LDO, and amendments to an existing LDO, is an executive function and therefore one to be taken by Cabinet, not Council. This has been confirmed by external legal advice.
- 7.2.3 The allocation of functions between the executive (the Cabinet) and the Council is determined by reference to (1) the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (“the 2000 Regs”); and (2) subject to that, the Council’s Constitution.
- 7.2.4 The effect of the 2000 Regulations is to make all functions of a local authority executive functions except where express provision is made to the contrary. This is known as “the General Rule”.
- 7.2.5 There is no reference to LDOs in the 2000 Regs and thus nothing to exclude the General Rule. The effect of this is that as there is nothing in the 2000 Regs which expressly excludes the adoption of an LDO from being an executive function, it is by default therefore an executive function.
- 7.2.6 The LDO is not defined in the Constitution as a function of Full Council unless it is so “reserved” by law. As it is not reserved by law to Council, the General Rule applies, making it an executive function, which rests with Cabinet.
- 7.2.7 Officers sought a Legal Opinion from Leading Counsel on this matter, who reached the conclusion outlined above i.e. that adoption of the LDO is an executive function – it is not therefore delegated to Planning Committee nor reserved to Full Council.

### **7.3. Equalities Implications**

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

### **7.4. Section 17 of the Crime and Disorder Act 1998 Implications**

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

### **7.5. Biodiversity Net Gain**

See relevant sections within the report relating to BNG provision.

## 8. Link to Corporate Priorities

The Environment	The vision for the Ratcliffe site is to move towards becoming a zero-carbon technology and energy hub for the East Midlands. The emerging plans for the site have the potential to create jobs based around modern industrial and manufacturing uses, with sustainable onsite energy generation providing a local source of low carbon heat and power.
Quality of Life	The development of the former Ratcliffe on Soar Power Station site has the potential to benefit local residents' quality of life through the provision of new jobs and improved infrastructure, including blue and green infrastructure.
Efficient Services	There are no implications.
Sustainable Growth	The development of the Ratcliffe site through an LDO could attract a significant number of new businesses and jobs. The Order sets appropriate parameters and conditions to ensure that development is acceptable in planning and sustainability terms.

## 9. Recommendation

It is RECOMMENDED that Cabinet:

- a) notes the consultation representations received on the proposed amendments to the Ratcliffe on Soar Local Development Order;
- b) approves the proposed amendments to Ratcliffe on Soar Local Development Order in accordance with Schedule 4A(3) of the Town and Country Planning Act 1990 (as amended); and
- c) delegates authority to the Director – Development and Economic Growth or Assistant Director of Planning to incorporate the approved amendments into the Ratcliffe on Soar Local Development Order and publish the amended LDO.

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<b>Background papers available for inspection:</b>	The Ratcliffe on Soar Local Development Order and associated documents are available at: <a href="https://planningon-line.rushcliffe.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=REUKMZNL0CB00">https://planningon-line.rushcliffe.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=REUKMZNL0CB00</a>
<b>List of appendices:</b>	Appendix 1: Ratcliffe on Soar LDO – Schedule of Proposed Amendments (updated version)

	<p>Appendix 2: Summary of consultation comments on proposed LDO amendments</p> <p>Appendix 3: Ratcliffe on Soar Local Development Order Proposed Amendments (consultation version)</p> <p>Appendix 4: Ratcliffe on Soar LDO – Schedule of Proposed Amendments (consultation version)</p> <p>Appendix 5: Data Centre Opportunity at Ratcliffe-on-Soar Briefing Paper (consultation version)</p> <p>Appendix 6: East Midlands Combined County Authority AI Growth Zone Bid – <b>Exempt Item</b></p>
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