



Cabinet

Tuesday, 23 June 2026

**East of Gamston/North of Tollerton Development
Framework Supplementary Planning Document**

Report of the Director – Development and Economic Growth

Cabinet Portfolio Holder for Planning and Housing, Councillor R Upton

1. Purpose of report

- 1.1. On Tuesday 10 March 2026 Cabinet resolved to adopt the East of Gamston/North of Tollerton Development Framework Supplementary Planning Document (SPD). The purpose of the SPD is to provide guidance on the application of Policy 25 (Strategic Allocation at East of Gamston/North of Tollerton) of the Rushcliffe Local Plan Part 1: Core Strategy. The adopted SPD is a material consideration in the determination of relevant planning applications on the allocated site.
- 1.2. On 6 May 2026, a claim was made by the Save Nottingham Airfield Group seeking permission to apply for judicial review (JR) of the decision of Rushcliffe Borough Council dated 10 March 2026 to adopt the SPD. A judicial review is a legal process by which the courts examine whether a public authority has acted lawfully and in accordance with proper procedures when making a decision, rather than reconsidering the merits of that decision.
- 1.3. The objective of Save Nottingham Airfield Group is to bring the airfield back into use. A successful JR would not achieve this: the land is allocated within the Rushcliffe Local Plan Part 1 for a sustainable urban extension and this JR cannot remove this allocation. The real life impact of a successful JR would result in the quashing of the SPD which would remove the guidance as to the checks and balances to hold the developers to a higher standard and quality of development, including provision of appropriate community infrastructure. The financial impact to the Council in covering the cost of legal support to rigorously defend the action is estimated to be in excess of £100,000.
- 1.4. The SPD provides important guidance for a development site such as east of Gamston/north of Tollerton, a site with multiple developers set to deliver thousands of homes, employment, and infrastructure.
- 1.5. The SPD proposes two mechanisms to ensure that the right infrastructure is delivered at the right time, and is built and funded as appropriate by the developers:
 - An Infrastructure Delivery Plan will detail what strategic infrastructure, such as new and improved highways, secondary and primary schools,

health facilities and sports pitches, will need to be delivered alongside the proposed housing and employment development.

- A Framework S106 is also being prepared which is essentially a template section 106 to be used consistently for all applications coming forward in relation to the Gamston site. This will help to ensure that the strategic infrastructure is fully funded and deliverable.
- 1.6. It is important to note that whilst the SPD provides guidance for developers submitting planning applications, it is not planning policy and does not grant planning permission. Two planning applications are currently pending decision and a third planning application is due to be submitted to the Council imminently. The Council is duty bound to determine the applications whether an SPD is in place or not. Determining the applications with the SPD in place will make it easier for the Council to hold the developers to account, with the SPD being an important material planning consideration. The claimants in relation to the judicial review seem to fail to recognise the beneficial effect of the SPD in this respect.
 - 1.7. Without the SPD there would be a deficit of guidance over the quality of the development and the delivery of infrastructure required to ensure a sustainable development which does not place increased pressures on existing local services.
 - 1.8. In relation to the judicial review claim, the Council has sought legal advice and is to defend the JR. The Council does not consider the claim to have merit. However, as a precautionary approach before the “cut off” date for SPD’s to be adopted or amended by the end of June 2026, the Council has undertaken the following to address the claims made:
 - Minor changes have been made to the adopted SPD to respond to some points raised in the claim. The amendments are not considered necessary for legal robustness purposes but are recommended on a precautionary approach and are thus considered beneficial to make.
 - A re-considered/updated Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening Opinion has been undertaken which continues to conclude that the SPD does not itself create any likely significant environment effects, including no new or materially different likely significant environment environmental effects compared to those assessed in relation to the adopted Local Plan. The Screening Opinion also has regard to the SEA and HRA of the emerging Greater Nottingham Strategic Plan. An updated consultation has been undertaken with statutory bodies in accordance with regulation in relation to the re-considered/updated SEA/HRA Screening Opinion.
 - 1.9. The purpose of this report is to seek approval for the readoption of the SPD (Appendix 1) and endorsement of the re-considered/updated SEA/HRA Screening Opinion (Appendix 2). Once re-adopted, the updated SPD will supersede the previously adopted SPD and continue the function of being an

important material consideration in the determination of relevant planning applications for the allocated Gamston SUE site.

2. Recommendation

It is RECOMMENDED that Cabinet:

- a) supports the proposed updates and revisions to the East of Gamston/North of Tollerton Development Framework Supplementary Planning Document and accompanying Strategic Environmental Assessment/Habitats Regulation Assessment Screening Opinion;
- b) approves the re-adoption of the East of Gamston/North of Tollerton Development Framework Supplementary Planning Document on the basis of the updated/revised version; and
- c) delegates authority to the Director for Development and Economic Growth, in consultation with the Cabinet Portfolio Holder for Planning and Housing, to make any necessary final graphical, presentational and minor textual changes required to the SPD prior to publication.

3. Reasons for Recommendation

- 3.1 The SPD's role is to provide supplementary guidance on the application of Local Plan Part 1: Core Strategy Policy 25 (Strategic Allocation at East of Gamston/North of Tollerton).
- 3.2 The SPD provides important guidance for the strategic allocation to help achieve an appropriate collective and coordinated development outcome for the whole site, including ensuring that site-wide infrastructure requirements are appropriately met by all developments on site.
- 3.3 The Council has sought legal advice and is to defend the judicial review claim against the currently adopted SPD. The Council does not consider the grounds of the claim to have merit or be arguable. However, as a precautionary approach before the "cut off" date for SPDs to be adopted or amended by the end of June 2026 (The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026), the recommended updates/revisions to the SPD and accompanying SEA/HRA Screening Opinion Report are recommended to be made.

4. Supporting Information

Consultation

- 4.1. The adopted SPD was subject to a public consultation from 1 October 2025 to 5 November 2025. The consultation responses were considered and a number of revisions to the draft SPD were made in response to some of the issues raised by consultees. On Tuesday 10 March 2026 Cabinet resolved to adopt the East of Gamston/North of Tollerton Development Framework Supplementary Planning Document (SPD) incorporating these revisions.

- 4.2. As the revised/updated Supplementary Planning Document at Appendix 1 of this report includes only minor changes, further public consultation is not required. Revisions and updates are shown at Appendix 1 as track changes – new text appears in blue and underlined, while deleted text is shown in red with strikethrough.
- 4.3. In accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, the Strategic Environmental Assessment (SEA) screening process requires consultation with three statutory environmental bodies (Environment Agency, Natural England and Historic England) to determine if a proposed plan or programme requires an SEA.
- 4.4. The three statutory bodies have been consulted on the supplemental Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening Opinion from 15 May 2026 to 5 June 2026. Natural England and Historic England have confirmed that there are no likely significant effects on the environment as a result of the SPD and neither a SEA nor HEA is required. The Environment Agency was also consulted; the Council has not received a response.

5. Alternative options considered and reasons for rejection

Cabinet could decide not to readopt the East of Gamston/North of Tollerton Development Framework Supplementary Planning Document or endorse the accompanying updated SEA/HRA Screening Report. However, this is not recommended as the cut-off date for amendments/updates to SPD's is 30 June 2026 and the recommended changes could not be made after this date.

6. Risks and Uncertainties

- 6.1. The risk of not re-adopting the SPD with the recommended updates and the accompanying updated SEA/HRA Screening opinion is that in the unlikely event that the currently adopted SPD was successfully challenged, there would not be an opportunity to make these recommended updates at a later date as the last date by which updates can be made to SPD's is the end of June 2026 due to regulatory requirements.
- 6.2. If this was to occur, the adopted SPD would fall away and this would mean the loss of the benefit of the SPD as a material planning consideration in helping ensure the quality and co-ordination of development in the determination of planning applications for the East of Gamston/North of Tollerton strategic allocation (including the determination of any potential future variation applications).
- 6.3. Without the SPD, there could be a greater risk that development comes forward in a piecemeal and uncoordinated manner which could adversely affect the design quality of the development across the site, the provision of supporting infrastructure in a timely manner and the rate of development delivery. Any adverse effect on delivery could increase pressure for development elsewhere.

- 6.4. The emerging Greater Nottingham Strategic Plan is currently at examination with hearing sessions scheduled for July 2026. The site is a strategic site allocation as it was in the current Local Plan.

7. Implications

7.1. Financial Implications

7.1.1 The Council has been supported by Pinsent Masons LLP for legal advice in relation to the claim and an external consultant has also assisted. Leading Counsel has been instructed to support the Council through the process.

7.1.2 If Cabinet agrees with the recommendations of this report, it is possible that the existing claim may be withdrawn, saving the costs of defending it further, (i.e. reducing the £100,000 costs estimate of defending the claim) with the costs to date of the relevant parties needing to be assessed in that eventuality.

7.2. Legal Implications

7.2.1 The Planning and Compulsory Purchase Act 2004 empowers local planning authorities to prepare local plans and supplementary planning documents (SPD). SPDs are not part of the Local Plan/development plan but are capable of being a material consideration in planning application decisions.

7.2.2 The key legal implications are dealt with above.

7.2.3 There are not considered to be any Human Rights Act 1998 (HRA 1998) implications, including having regard to Article 1 of the First Protocol and Articles 6, 8 and 14 of the European Convention on Human Rights.

7.3. Equalities Implications

There are not considered to be any direct equalities implications arising from matters covered in this report. Equalities Impact Assessments were undertaken in preparing the Local Plan. The updated SPD would not put in place new policies but would rather supplement relevant policies from the Local Plan with guidance, none of which are considered to have any effect in equalities' impact terms.

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

There are no direct community safety implications arising from matters covered in this report.

7.5. Biodiversity Net Gain Implications

The SPD includes guidance that would help support the delivery of biodiversity net gain alongside new development on site.

7.6. Local Government Reorganisation Implications

There are no direct Local Government Reorganisation Implications contained within this report.

8. Link to Corporate Priorities

The Environment	The Government views the primary purpose of the planning system as contributing to the achievement of development, including the provision of new homes, new commercial development, and supporting infrastructure in a sustainable manner. The SPD plays an important role in helping achieve sustainable growth locally.
Quality of Life	The SPD provides a role in helping ensure that new development respects and, where possible, enhances Rushcliffe's environment.
Efficient Services	The SPD includes supplementary guidance that aims to maintain the quality of life for both existing and new Rushcliffe residents.
Sustainable Growth	The SPD includes guidance to help achieve development that is supported by adequate and timely infrastructure.

9. Recommendation

It is RECOMMENDED that Cabinet:

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- b) approves the re-adoption of the East of Gamston/North of Tollerton Development Framework Supplementary Planning Document on the basis of the updated/revised version; and
- c) delegates authority to the Director for Development and Economic Growth, in consultation with the Cabinet Portfolio Holder for Planning and Housing, to make any necessary final graphical, presentational and minor textual changes required to the SPD prior to publication.

For more information contact:	Shaza Brannon Assistant Director of Planning 0115 914 8410 sbrannon@rushcliffe.gov.uk
Background papers	

available for Inspection:	
List of appendices:	<p data-bbox="421 271 1385 376">Appendix 1: Updated/Revised East of Gamston/North of Tollerton Development Framework Supplementary Planning Document</p> <p data-bbox="421 421 1449 562">Appendix 2: Updated/Revised East of Gamston/North of Tollerton Development Framework – Screening Report for Strategic Environmental Assessment and Habitats Regulations Assessment</p>