



Cabinet

Tuesday, 23 June 2026

**East Midlands Freeport Strategic Infrastructure and
Contributions 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. The principal purpose of the East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document (SPD) is to help ensure the coordinated and collaborative delivery and funding of the strategic transport infrastructure needed to support development of the three East Midlands Freeport (EMF) sites. The development of the three EMF sites, together with development on strategic allocation sites or other major development sites adjacent to or outside the EMF sites within Rushcliffe Borough, North West Leicestershire District and South Derbyshire District, which will be unlocked by or significantly benefit from that strategic transport infrastructure (referred to collectively in this report, with the EMF sites, as 'the SPD Sites'), will be expected to contribute towards that strategic transport infrastructure on an equitable and proportionate basis.
- 1.2. The evidential work underpinning the SPD, which will be further evolved through an EMF Infrastructure Delivery Plan ('IDP') process and through assessments accompanying relevant planning or consenting applications, establishes the in principle need for pooled contributions (which may include works in kind) in relation to this strategic transport infrastructure. Further highways modelling work is continuing and will inform an EMF IDP, which will be the subject of public consultation, in due course.
- 1.3. The Council has been working with the EMF and the other local planning authorities and County Authorities within which the EMF sites are located, to prepare and adopt the SPD.
- 1.4. The SPD was the subject of a five-week public consultation running between 23 March 2026 and 27 April 2026.
- 1.5. The Statement of Consultation on the SPD (Appendix 1) sets out a summary of the responses received to that public consultation, outlines how the Council has considered the main issues raised and indicates where the SPD has been modified in response to the consultation comments received or due to other relevant matters.
- 1.6. The SPD has been prepared on a collaborative basis by the three local planning authorities for the EMF sites – Rushcliffe Borough Council, North West

Leicestershire District Council and South Derbyshire District Council (the 'Local Planning Authorities') with the intention (subject to necessary approvals) that all three Local Planning Authorities adopt the SPD by 30 June 2026. There is a cut-off date for the adoption of SPDs of 30 June 2026 – beyond that date it is not possible for local planning authorities to adopt an SPD. This has been confirmed in the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026, (Schedule 1, paragraph 6), which came into force on 25 March 2026. The cut-off date for the adoption of SPDs is part of the transition to a new plan-making system.

- 1.7. This report recommends that the revised draft East Midlands Freeport Strategic Infrastructure and Contributions SPD (at Appendix 2) is adopted. Once adopted, it will form a material consideration in the determination of relevant planning applications in the Borough, although please see paragraph 3.3 below for an explanation of the weight it is expected to carry in advance of the EMF IDP being published and endorsed by the Council.

2. Recommendation

It is RECOMMENDED that Cabinet:

- a) considers any recommendations made by Local Development Framework Group;
- b) supports the proposed revisions to the draft East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document;
- c) approves the adoption of the East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document;
- d) delegates authority to the Director of Development and Economic Growth, in consultation with the Cabinet Portfolio Holder for Planning and Housing, to adopt the East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document no later than 30 June 2026 and to make any necessary final graphical, presentational and minor textual changes required to the SPD prior to publication; and
- e) requests a further report is brought to Cabinet in the event that either or both of the other local planning authorities (North West Leicestershire District and South Derbyshire District Council) do not adopt the SPD in order to review the Council's position as regards the SPD.

3. Reasons for Recommendation

- 3.1. Once adopted, the East Midlands Freeport Strategic Infrastructure and Contributions SPD will help ensure the coordinated and collaborative delivery and funding of the strategic transport infrastructure needed to support development of the three EMF sites and help ensure that all schemes coming

forward on the EMF sites and other SPD Sites contribute towards that strategic infrastructure on an equitable and proportionate basis.

- 3.2. The SPD envisages a mechanism (a framework section 106 agreement) to coordinate the funding and delivery of this strategic transport infrastructure from multiple sites through the planning process, as and when those sites come forward for development. The evidential work underpinning the draft SPD establishes the need for shared infrastructure pooled contributions from multiple sites. Ongoing highways modelling and evidence work is also being carried out to inform an EMF IDP in due course which will supplement the SPD and provide greater detail on the strategic infrastructure, estimated costings, SPD Sites and where possible timescales for delivery and delivery bodies. The EMF IDP will be the subject of further public consultation, which it is anticipated to be towards the end of 2026/early 2027. Following public consultation, it is expected that the Council (and other Local Planning Authorities) will ask their respective appropriate committee and/or Cabinet to endorse the final EMF IDP before it is published and used for the purpose set out in the SPD.
- 3.3. The SPD makes it clear that it is not part of the development plan and is not development plan policy. From the date of its adoption, the SPD is a material planning consideration in planning determinations under the Planning Acts (as defined in the Town and Country Planning Act 1990) and any other relevant planning decision in relation to the SPD Sites. However, at the date of adoption of this SPD the EMF IDP will not yet have been issued for public consultation, published or endorsed by the Council, and therefore the detail of the strategic infrastructure required will not have been established. The SPD includes a statement that until such time as the EMF IDP has been published and endorsed by the Council, following public consultation, only limited weight should be given to the SPD as a material planning consideration by the Council, though the “in principle” need for pooled contributions set out in the SPD (which may include works in kind in accordance with the SPD) in relation to Strategic Infrastructure has been established by the SPD at the date of adoption and carries weight as a material planning consideration from the date of adoption. This is relevant to the Council and other Local Planning Authorities’ application of Section 38(6) of the Planning and Compulsory Purchase Act 2004, which provides that in determining planning applications the determination must be made in accordance with the development plan, unless material considerations indicate otherwise.
- 3.4. As referred to above at paragraph 1.6, adoption of the SPD cannot be deferred beyond 30 June 2026 and it is therefore not recommended that adoption of the SPD be delayed until the EMF IDP has been prepared. Beyond 30 June 2026, as part of the move towards a new plan-making system, it is envisaged that Supplementary Plans will be prepared and adopted by local planning authorities in place of SPDs. However, it is not yet clear that Supplementary Plans can be prepared pursuant to existing adopted plans or emerging ‘old-style’ local plans (such as the Council’s emerging local plan will be) and in addition Supplementary Plans will be subject to a different adoption process, including independent public examination. On the basis that it is clear that there is a need for pooled contributions towards certain strategic transport infrastructure, amongst other things, it is recommended that the SPD be adopted now, with

the weight to be given to the SPD as a whole as a material planning consideration being adjusted pre- and post- endorsement of the EMF IDP by the Council as set out in paragraph 3.3 above.

4. Supporting Information

Consultation on the SPD

- 4.1. The SPD was the subject of a five-week public consultation running between 23 March 2026 and 27 April 2026.
- 4.2. The consultation responses were all considered carefully. The Statement of Consultation on the SPD (at Appendix 1) sets out a summary of the responses received to that public consultation, outlines how the Council has considered the main issues raised and indicates where the SPD has been modified in response to the consultation comments received or due to other relevant matters.
- 4.3. As set out in the Statement of Consultation (Appendix 1), 32 responses were received to the consultation from a broad range of stakeholders including statutory consultees, neighbouring Councils, landowners, promoters, housing and employment developers, local interest groups, local residents, Parish Councils and Borough and District Councillors. Consultation versions of the SPD and the Strategic Environment Assessment (SEA)/Habitats Regulations Assessment (HRA) Screening Report documents can be viewed on the Council's website: www.rushcliffe.gov.uk/supplementary-planning-documents
- 4.4. Responses received typically supported the principle of what the SPD is trying to achieve. This notwithstanding, there were concerns raised focussed primarily on the perceived lack of evidence underpinning the SPD and the timing for the preparation of an IDP and how the IDP would be consulted on.
- 4.5. The Statement of Consultation sets out how the representations received have been responded to and in several cases, how it is proposed the SPD is amended to address the points raised. The revised draft SPD is at Appendix 2. Of particular note, it is proposed that the SPD is amended in the following respects:
 - Text has been added (as referred to in paragraph 3.3 above) to make it clear that the SPD is not part of the development plan and is not development plan policy. From the date of its adoption, the SPD will be a material planning consideration in planning determinations under the Planning Acts (as defined in the Town and Country Planning Act 1990) in relation to the SPD Sites. However, at the date of adoption of the SPD, the EMF IDP will not have been issued for public consultation, published or endorsed by the Local Planning Authorities, and therefore the detail of the Strategic Infrastructure required will not have been established. Until such time as the EMF IDP has been published and endorsed by the Local Planning Authorities, following public consultation, only limited weight should be given to the SPD as a material planning consideration by the Local Planning Authorities, though the "in principle" need for pooled

contributions set out in this SPD (which may include works in kind in accordance with the SPD) in relation to Strategic Infrastructure has been established by the SPD at the date of adoption and carries weight as a material planning consideration in that regard. This is relevant to the local planning authorities' application of Section 38(6) of the Planning and Compulsory Purchase Act 2004, which provides that in determining planning applications the determination must be made in accordance with the development plan, unless material considerations indicate otherwise. Where reference is made in the SPD to something being 'required' or a 'requirement', that something 'will', 'must' or is 'expected' to be provided, then that must be understood in the context of this SPD being material planning consideration and not a development plan document (paragraph 1.17);

- Further clarification has been added in relation to the proposed EMF IDP, including:
 - that the EMF IDP will include estimated costs for identified strategic infrastructure, as well as (where possible) timescales for delivery and the body anticipated to deliver each item (paragraph 1.7);
 - that the EMF IDP will be accompanied by an appropriate evidence base including viability evidence (paragraph 1.10);
 - that the basis on which contributions are sought will be considered as part of the IDP preparation (paragraph 2.9.1(d)); and
 - that the IDP will be the subject of public consultation, following which the IDP is expected to be endorsed by the respective appropriate committee and/or Cabinet of the local planning authorities, prior to it being brought into use for the purposes of the SPD (paragraphs 1.10-1.11);
- Further clarification has been added around how 'Other Benefitting Development Sites' will be determined, including that these are expected to include development sites immediately adjacent to the EMF Sites which form part of or are related to development of an EMF Site. It has also been clarified that 'Other Benefitting Development Sites' will also be 'SPD Sites' and a key has been added to the plan at Appendix 4 to assist (paragraph 1.4);
- Text has also been added to explain that the EMF IDP will identify which SPD Sites are intended to contribute towards which items of Strategic Infrastructure, as far as is reasonably practicable at the stage of EMF IDP endorsement by the local planning authorities (paragraph 1.7);
- Text has been added to clarify that it is intended that the substance of this SPD (possibly in a different format, for example a Supplementary Plan where possible) will continue to apply once the adopted local plans cease to have effect and the local planning authorities will work together to achieve that (paragraph 1.20);

- Reference has been added to the East Midlands Gateway Phase 2 Development Consent Order application including proposed highway mitigation works to M1 J24 (paragraph 1.21.1(a)(i)(1));
- The description of the proposed development of the Ratcliffe on Soar Power Station site has been amended and further reference to the Ratcliffe on Soar Local Development Order has been added (paragraph 1.21.2(a)(i));
- The strategic infrastructure needed to deliver the EMIP site has been reviewed and reference to the M1 J24 Improvement Scheme removed, in light of the representations received and an understanding that the EMIP site is unlikely to have a substantial impact on M1 J24 (paragraph 1.21.3(d));
- Other minor amendments have been made to the description of strategic infrastructure for all 3 EMF Sites (paragraphs 1.21.1(d), 1.21.2(d) and 1.21.3(d));
- Further clarification has been added in relation to the application of CIL in Rushcliffe Borough (paragraph 1.22.2);
- It has been clarified that public sector funding may be sought towards the strategic transport infrastructure (paragraph 2.9.1(c));
- Reference to circumstances where roads will be expected to be offered for adoption has been removed (paragraph 2.11);
- Reference has been added to current RICS valuation standards applying to financial viability assessments (paragraph 2.13.3); and
- Minor typos and grammatical errors have been corrected.

SEA and HRA Screening Report

- 4.6. The draft SPD is accompanied by a Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Screening Report, provided at Appendix 3.
- 4.7. The SEA and HRA document published with the consultation draft SPD has been updated to take into account applicable consultation responses in respect of the SEA, add further explanation to support the conclusions and make it clear that it is a screening opinion report in respect of SEA and HRA. The comments of the three statutory consultation bodies (Historic England, Natural England and the Environment Agency) were sought following the amendments to the SEA and HRA Screening Report. Natural England and Historic England have confirmed that neither a SEA nor HRA is required. The Environment Agency did not respond. The conclusions of the SEA and HRA document published with the consultation draft SPD remain that the SPD does not require a SEA or HRA.

- 4.8. For the purposes of the SEA and HRA Screening Report the whole area covered by the SPD was considered, but for the purposes of this report and recommendation, the conclusions of the SEA and HRA Screening Report and the SPD have been considered specifically in relation to the Council's area.

LDF Group recommendations

- 4.9. The revised draft SPD was considered by the LDF Group on 8 June 2026. The Group, by a majority vote of seven for and four against, supported the revised draft SPD and recommended to Cabinet that it be adopted.

5. Alternative options considered and reasons for rejection

Cabinet could decide not to adopt the East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document (SPD). This could leave the Council less able to effectively ensure that all relevant individual planning applications submitted appropriately contribute to strategic infrastructure and deliver development in a sufficiently coordinated manner and could make it harder to ensure the delivery and funding of the strategic infrastructure is carried out.

6. Risks and Uncertainties

- 6.1. As a strategic allocation within the Draft Greater Nottingham Strategic Plan the former Ratcliffe on Soar Power Station forms a key component of expected employment land supply in Rushcliffe over coming years. If mechanisms are not in place to collect contributions for strategic infrastructure supporting the regeneration of the site, it may not deliver expected new employment land and would increase pressure for additional land to be released elsewhere in Rushcliffe for employment development.
- 6.2. The SPD will provide a framework for contributions to strategic infrastructure to come forward in a comprehensive and coordinated manner. Without the SPD, there would be a greater risk that development comes forward without the necessary strategic infrastructure which would be to the detriment of the existing infrastructure in the region. The provision of supporting infrastructure in a timely manner will support economic growth in the borough. Any adverse effect on delivery could increase pressure for development elsewhere.

7. Implications

7.1. Financial Implications

There are no direct financial implications for the Council arising from this report other than the officer time in preparing the relevant documents and the costs associated with any consultation process, which should not be significant.

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 but are capable of being a material consideration in planning application decisions. There is a statutory requirement for public consultation to be undertaken on the draft SPD and for any representations received to be taken into account before it can be adopted by the Council.

7.2.2 The Town & Country Planning (Local Planning) (England) Regulations 2012 (the “2012 Regulations”) require that before a planning authority adopts a supplementary planning document, they must prepare a statement of consultation) setting out who the local planning authority consulted when preparing the SPD; a summary of the main issues raised by the consultees; and how these issues have been addressed in the SPD. The 2012 Regulations continue to apply to the preparation of the SPD by virtue of the Levelling-up and Regeneration Act 2023 (Commencement No 11 and Saving and Transitional Provisions) Regulations 2026 (Schedule 1, paragraph 6.) The consultation was therefore undertaken pursuant to the 2012 Regulations. Strategic Environmental Assessment and Habitats Regulations Assessment were made available for inspection during the consultation period.

7.2.3 The Environmental Assessment of Plans and Programmes Regulations 2004 set out the basis for requiring Strategic Environmental Assessment. The Conservation of Habitats and Species Regulations set out the basis for requiring Habitats Regulations Assessment.

7.3. **Equalities Implications**

There are no direct equalities implications arising from matters covered in this report. Equalities Impact Assessments were undertaken in preparing the Local Plan. The draft SPD would not put in place new policies but would supplement relevant policies from the Local Plan.

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**

There are no direct Biodiversity Net Gain implications arising from matters covered in this report. The Local Development Order for the former Ratcliffe on Soar Power Station site includes Biodiversity Net Gain requirements.

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 SPD helps to ensure new developments positively affect Rushcliffe's environment through the delivery of adequate infrastructure.
Quality of Life	The SPD helps to ensure new developments positively affect Rushcliffe residents' quality of life through the delivery of adequate infrastructure.
Efficient Services	The recommendations in this report do not impact on or contribute to the Council's Efficient Services priority.
Sustainable Growth	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 draft SPD will play an important role in achieving sustainable growth locally. The draft SPD includes guidance to achieve development that is supported by adequate and timely infrastructure.

9. Recommendation

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- e) requests a further report is brought to Cabinet in the event that either or both of the other local planning authorities (North West Leicestershire District and South Derbyshire District Council) do not adopt the SPD in order to review the Council's position as regards the SPD.

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Background papers available for Inspection:	Rushcliffe Local Plan Part 1: Core Strategy, is available to view at: www.rushcliffe.gov.uk/media/y1pbquqz/local-plan-part-1-rushcliffe-core-strategy.pdf Draft Greater Nottingham Strategic Plan is available to view at: www.gnplan.org.uk/media/dsrndti2/gnsp-publication-draft-march-2025.pdf Consultation versions of the SPD and the SEA/HRA Screening Report documents are available to view at: www.rushcliffe.gov.uk/supplementary-planningdocuments
List of appendices:	Appendix 1: East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document Statement of Consultation Appendix 2: Revised Draft East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document Appendix 3: East Midlands Freeport Strategic Infrastructure and Contributions SPD – Screening Report for Strategic Environmental Assessment and Habitats Regulation Assessment