

**MINUTES
OF THE MEETING OF THE
CABINET**

TUESDAY, 23 JUNE 2026

Held at 7.00 pm in the Council Chamber Area B, Rushcliffe Arena,
Rugby Road, West Bridgford
and live streamed on Rushcliffe Borough Council's YouTube channel

PRESENT:

Councillors A Brennan (Vice-Chair), R Inglis, R Upton and J Wheeler

ALSO IN ATTENDANCE:

Councillor J Walker

OFFICERS IN ATTENDANCE:

D Banks	Director of Neighbourhoods
S Brannon	Assistant Director of Planning
C Caven-Atack	Monitoring Officer (Interim)
A Hill	Chief Executive
P Linfield	Director of Finance and Corporate Services
H Tambini	Democratic Services Manager

APOLOGIES:

Councillors N Clarke and D Virdi

1 Declarations of Interest

There were no declarations of interest made.

2 Minutes of the Meeting held on 12 May 2026

The minutes of the meeting held on 12 May 2026 were agreed as a true record and signed by the Vice-Chair.

3 Citizens' Questions

There were no Citizens' questions.

4 Opposition Group Leaders' Questions

Question from Councillor J Walker to Councillor Upton.

"Could the Portfolio Holder explain in more detail the implications from the softening of the language within the proposed Supplementary Planning Document (SPD) for Tollerton and Gamston, shifting the key requirements into what now reads more as aspirations rather than firm expectations?"

Councillor Upton advised that the SPD was to guide development and support

the Local Plan, rather than introduce new policy. He accepted the point made about the change of tone in some of the language used and advised that the approach had been to review the language and strike the right balance between directive and aspirational terms. Councillor Upton stated that he would be giving a statement from the Council's legal advisers about this SPD later on in the meeting when he presented Item 7 on the agenda.

Councillor Walker asked a supplementary question if the SPD would be put through further scrutiny, at Council, a scrutiny group or out to public consultation?

Councillor Upton stated that this had already been a very lengthy process, the SPD had already been out to public consultation and no further consultation was planned.

5 New Rushcliffe Local Plan

The Cabinet Portfolio Holder for Planning and Housing, Councillor Upton, presented the report of the Director – Development and Economic Growth, seeking Cabinet approval to prepare a new Rushcliffe Local Plan and to publish a 'Notice of Intention to Commence' a new Local Plan.

Councillor Upton stated that despite the draft Greater Nottingham Strategic Plan (GNSP) progressing through its final stages, being examined in July and hopefully adopted in early 2027, it was a statutory requirement for the Council to start preparing a new Local Plan, with the publication of a 'Notice of Intention' required by 30 June 2026. A failure to issue this Notice would prevent the Council from entering a 30-month preparation process, which he advised would be a challenging timescale, especially given that officers would be simultaneously working on two Local Plans. Councillor Upton stated that the Government had introduced a more streamlined preparation process, structured around three defined "gateways", as detailed in Table 1 of the report. Cabinet was advised that Rushcliffe would continue to work with the Greater Nottingham Planning Partnership and that Nottingham City Council and Broxtowe Borough Council would be following the same timetable.

Councillor Upton advised that the adoption of the new Local Plan in April 2029, would be after Local Government Reorganisation (LGR) was due to come into effect in April 2028; however, what form the new authorities would take was unknown, with any implications considered when further details of LGR were announced. National planning policy made it clear that LGR was not a valid reason to delay Local Plan preparation, and the new one would replace the GNSP and the Rushcliffe Local Plan Part 2. The new Local Plan would include new site allocations and a range of planning policies and would focus on delivering 100% of the Government's mandatory housing target, which could result in an estimated additional 1,900 houses for Rushcliffe. Councillor Upton concluded by reiterating the legal implications if the 'Notice of Intention' was not published by the deadline of 30 June.

In seconding the recommendation, Councillor J Wheeler advised that he was not happy about the prospect of having more housing; however, the Council needed a Local Plan to protect itself against unsuitable development, as

detailed in paragraphs 3.1 and 3.2 of the report. He expressed concern regarding timings and workloads for officers, with the GNSP going forward for examination, as work would be starting on this Plan, coupled with the uncertainty regarding LGR, and he felt that the Government had handled this process badly and wasted a lot of money. He referred to the Government's housing targets and advised residents who were unhappy with them to lobby their MPs.

Councillor Brennan reiterated that the Council was required to produce a Local Plan in order to deliver the Government's new mandatory targets, LGR was not a reason to delay the process and it was likely to result in Rushcliffe having additional housing.

It was RESOLVED that:

- a) the preparation of a new Rushcliffe Local Plan, and the publication of the Council's Notice of Intention to Commence the Rushcliffe Local Plan (at Appendix 1), in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2026 be approved;
- b) the Rushcliffe Local Plan timetable (at Appendix 2 to the report) be approved and published, and delegated authority be granted to the Director for Development and Economic Growth, in consultation with the Cabinet Portfolio Holder for Planning and Housing, to agree any subsequent updates to the Local Plan timetable when necessary; and
- c) delegated authority be granted to the Director for Development and Economic Growth, in consultation with the Portfolio Holder for Planning and Housing, to undertake necessary scoping work and evidence gathering to support the new Rushcliffe Local Plan, prior to the Gateway 1 Assessment Stage.

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

The Cabinet Portfolio Holder for Planning and Housing, Councillor Upton, presented the report of the Director – Development and Economic Growth, which provided an update on the East of Gamston/North of Tollerton Development Framework Supplementary Planning Document (SPD).

Councillor Upton read out the statement below that had been prepared by the Council's solicitors, to make it clear that certain correspondence had been shared with all members of Cabinet ahead of this meeting.

"The solicitors of Save Nottingham Airfield Group (SNAG) have written to the Council's external solicitors on 17 June 2026 asserting that the re-adoption of the SPD would be unlawful because of a regulatory breach on the basis that the updates to the SPD are extensive, having a material effect; and that a public consultation was required. The letter also asserts that the proposed updates effectively amount to a new SPD and it is not lawfully possible to prepare a new SPD at this point in time.

A response was sent from the Council's external solicitors on 19 June 2026, strongly rebutting the claims. A further response was received from SNAG's solicitors on 22 June. It is noted that SNAG intend to reply to the proposed amendments to the SPD but have not been able to do so before this Cabinet meeting. In this respect, it should be noted that the amendments to the SPD were made as a direct result of SNAG's representations through the Judicial Review (JR) process (notwithstanding the Council's position that the challenge does not have any merit). In any event, SNAG has been provided with an opportunity to provide further comment on the minor tweaks to the SPD if they choose to do so.

All correspondence has been shared with Cabinet prior to tonight's meeting.

The advice received from the Council's external solicitors, as detailed within the letter to the claimant's solicitor, is that the SPD proposed for readoption is the same fundamental document as the adopted SPD, with some minor amendments. A five-week public consultation was undertaken on the SPD prior to adoption. A Consultation Statement was subsequently published setting out the comments received and how they were taken into account. Due to the proposed amendments being minor with no material change to the SPD, the Council's solicitors have advised that further public consultation on the SPD was not required.

As to the amendments themselves, it is a matter of judgment as to whether amendments are minor and the Council is entitled to lawfully exercise that judgment in a reasonable manner and has done so in this case. These matters have all been properly considered and are consistent with well understood legal principles (including those in the legal cases: *Elphinstone v Westminster City Council* [2008] and *Nettleship v NHS South Tyne Clinical Commissioning Group* [2020]).

The SPD is guidance only and does not form part of the development plan. Nevertheless, it can still properly and lawfully seek to "require" things, provided that compliance or non-compliance with the guidance by the applicant is only taken into account as a material planning consideration, alongside other material planning considerations, in assessing the planning balance and determining the application, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004.

In response to the points raised by SNAG in the JR, the Council has reviewed some of the "directional language" in the SPD and made some minor refinements. These are intended to finesse the language used to set out where the guidance "requires", or "expects" etc. things to be done. The changes are minor as their effect is to clarify and refine what the approach of the Council may be in considering how closely the application accords with the guidance, albeit always in the context of these considerations being only a material planning consideration to be taken into account in the planning balance when determining the application.

The refinements are, by themselves, minor, and also minor in the context of the planning balance in the determination of planning applications. However, they are considered to provide helpful clarity as to the Council's views and

expectations and to respond to some of the points raised in the JR.

The Council does not consider that these minor amendments are necessary from a legal perspective, however, they are recommended on a precautionary basis because the 'cut-off' date for the completion of SPDs by the end of June 2026 means that there would not be any opportunity for subsequent minor changes after that date.

The minor amendments sought to the SPD do not materially change the substance of the SPD. Instead, they simply make it clear that (as the amended text of the proposed SPD says explicitly in paragraph 1.7) where reference is made to something being 'required' or a 'requirement' or that something 'will', 'must', 'shall' or is 'expected' to be provided or is 'mandatory', or to 'development not being likely to be supported if it is inconsistent with this SPD', then that must be understood in the context of this SPD being a material planning consideration and not a development plan document.

The statutory consultees, including Natural England, Historic England and the Environment Agency have been consulted on the proposed supplemental Strategic Environmental Assessment (SEA). At the time of publication of the Cabinet report, the Council had received consultation comments from only two of the Statutory Bodies: Historic England and Natural England. However, the Environment Agency has now also responded to the consultation. Positive responses have been received from all three bodies, agreeing with the Council that a full SEA is not required.

The Council received a letter from the consortium of developers on 18 June 2026, which has been shared with Cabinet ahead of tonight's meeting. The letter sets out representations to the effect that "material considerations for the planning applications do not need to include an adopted SPD" and that the Council can be content that the consortium are working cooperatively to deliver the Sustainable Urban Extension (SUE).

The Council's external solicitors and officers disagree that an SPD is not required as a material consideration. The SPD provides key guidance for applicants across a range of topics to help guide development proposals in this important SUE, including in relation to important transport, social, community infrastructure provision commensurate with housing delivery. The SPD will help to hold developers to account in the determination of the applications and provides a range of guidance to inform the applicants' proposals".

In presenting the report, Councillor Upton gave an overview of the history of the site, from its adoption as a SUE in 2014 and confirmed that it was included in the draft Greater Nottingham Strategic Plan (GNSP). Continuing delays on this SPD would risk the Council meeting mandatory housing targets and could put pressure on to release new sites to maintain the Council's five-year housing supply, with 30 June being the cut-off to adopt this SPD. Councillor Upton reiterated that this SPD would not give planning approval, it would provide guidance to developers and would be a material planning consideration. On 10 March 2026, Cabinet adopted this SPD; however, on 6 May a claim was made by SNAG seeking permission to apply for a JR, with the hope of bringing the airfield back into use. In the Council's opinion, a

successful JR would not achieve that as the land was allocated within the Rushcliffe Local Plan for a SUE, and a JR could not remove that allocation. The Council had sought legal advice and would defend any JR claim, as it did not consider the claim to have merit or be arguable. The SPD was before Cabinet again because minor changes had been made and a reconsidered Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion had been undertaken, which continued to conclude that the SPD did not in itself create any likely significant environmental effects compared to those assessed in relation to the adopted Local Plan. Councillor Upton confirmed that public consultation had previously been undertaken, and legal advice had confirmed that given the amendments were minor, with no material change to the SPD, then no further consultation was required. It was noted that concerns had been raised regarding possible ground contamination; however, that would be dealt with at the planning application stage. The main landowners and developers were working collaboratively, with a single, aligned highway access strategy for the entire site. The SPD proposed two mechanisms to ensure that the correct infrastructure was delivered at the right time and was funded and built appropriately through an Infrastructure Delivery Plan (IDP) and a Framework Section 106 Agreement. Councillor Upton stated that in June, Place Point, a £150m joint venture announced the acquisition of part of the site. This joint venture was focused on delivering housing at pace and to contribute to the Government's ambition to deliver 1.5 million new homes by the end of this Parliament.

Councillor Upton concluded by advising that without this SPD in place, there was a real risk that the Council could lose a significant degree of control over what development was delivered on this strategic site. The report was seeking the re-adoption of the SPD, as detailed in Appendix 1 to the report and the endorsement of the reconsidered and updated SEA and HRA Screening Opinion as set out in Appendix 2.

In seconding the recommendation, Councillor Inglis stated that the Council must not lose sight of what it was striving to achieve with the production of this SPD. He referred to the significant officer time used to produce the SPD, which had been amended, and was subject to ongoing conflicting legal opinions. He was alarmed that Rushcliffe's Council taxpayers could face an estimated £100k bill or more for the SNAG JR, which would fail to serve their objectives in bringing the airfield back into use. He reiterated that the SDP would provide guidance for developers, to provide the best possible collaboration for infrastructure, design and facilities for the site, it was not a planning consent. Planning consent would only be considered separately once all the material planning considerations had been met. Councillor Inglis confirmed that the Council had to provide land to meet the Government's national housing targets and the owners of the land had closed the airfield to allow development to take place to meet those housing provision objectives. He stated that the consequences of not meeting the 30 June deadline were clearly set out in the report and everyone should recognise and plan for what was in the best interests for existing and future communities.

Councillor J Wheeler reiterated that the SPD would provide guidance for any future planning applications, which was important given that landowners

changed and future development was uncertain. For a development of this size, it was important to have appropriate infrastructure in place to support existing and future residents. Councillor Wheeler emphasised again that the Council had to follow planning policy set by the Government, and if residents were unhappy with housing targets they should lobby their local MPs. He also reiterated that any possible land contamination would be dealt with at the planning application stage, to provide reassurance to the public. Councillor Wheeler referred to the 30 June deadline and to the importance of adopting this SPD to provide protection for current and future residents.

Councillor Brennan reiterated that the SPD would provide key guidance for this extensive site and it was vital to ensure the best possible quality development to create a cohesive and attractive community. As previously stated, this SPD would not approve planning applications, it would be considered as part of any application process and it was the Council's most important tool to ensure development that the Council could be proud of.

It was RESOLVED that:

- a) the proposed updates and revisions to the East of Gamston/North of Tollerton Development Framework Supplementary Planning Document (SPD) and accompanying Strategic Environmental Assessment/Habitats Regulation Assessment Screening Opinion be supported;
- b) the re-adoption of the East of Gamston/North of Tollerton Development Framework Supplementary Planning Document on the basis of the updated/revised version be approved; and
- c) delegated authority be granted 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.

7 Designation of New Local Nature Reserves

The Cabinet Portfolio Holder for Environment and Safety, Councillor Inglis, presented the report of the Director – Neighbourhoods, seeking Cabinet approval for the designation of three new Local Nature Reserves (LNRs) in Rushcliffe under the relevant powers provided.

Councillor Inglis advised that eight LNRs had previously been declared as protected areas due to their special natural interest and educational value. The designation would regulate them as nature reserves, act on the Council's pledges in conserving and enhancing biodiversity and meet the objectives within the Rushcliffe Nature Conservation Strategy 2026-30. Councillor Inglis referred to the three sites, which had been proposed following requests from their individual supporting management groups, as detailed in paragraph 4.4 in the report, with relevant maps attached at Appendix 1 to the report. He advised that Natural England had been consulted on the proposals and its comments in support of the designation were detailed in paragraph 4.5. Councillor Inglis confirmed that management plans for the site would be overseen by officers,

with no direct financial implications to the Council and all prior and post legal requirements would be met, as detailed in paragraph 7.2. He concluded by thanking the Environmental Sustainability Officer and the Ecology and Diversity Assistant for their hard work and dedication.

Councillor J Wheeler was pleased to second the recommendation and hoped going forward that more LNRs would be designated.

Councillor Brennan stated that it was pleasing to support a proposal that would be protecting Rushcliffe's green spaces.

It was RESOLVED that Cabinet approve for a Declaration to be made designating the land at The Green Line, West Bridgford; Meadow Park, East Leake and Springdale Wood, East Bridgford (shown hatched on the plans in Appendix 1 to the report) as Local Nature Reserves pursuant to Section 21 of the National Parks and Access to the Countryside Act 1949.

8 East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document

The Cabinet Portfolio Holder for Planning and Housing, Councillor Upton, presented the report of the Director – Development and Economic Growth, detailing the East Midlands Freeport (EMF) Strategic Infrastructure and Contributions Supplementary Planning Document (SPD).

Councillor Upton advised that the report had 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. A five week consultation had taken place and the intention was that all three councils would adopt the SPD before the national cut-off date of 30 June 2026.

The main purpose of the SPD was to support the development of the Freeport, and to ensure a coordinated and collaborative delivery and funding of the strategic transport infrastructure required to support the three EMF sites, with contributions to be made on an equitable and proportionate basis. More work would be required to underpin the SPD through an EMF Infrastructure Delivery Plan (IDP), which would be subject to public consultation and adoption in due course. The SPD envisaged a Framework Section 106 Agreement to coordinate funding and delivery from multiple sites as they came forward through the planning process. The SPD stated that until such time as the IDP has been endorsed, only limited weight should be given to it, as a material planning consideration, although the need for pulled contributions would carry weight. Councillor Upton confirmed that the draft SPD was accompanied by a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report, as detailed at Appendix 3 to the report. Following consultation with the statutory authorities, it was concluded that the SPD did not require an SEA or an HRA. The report had been considered by the cross-party Local Development Framework Group, which had voted in favour of the recommendation requesting Cabinet to adopt the SPD by a majority vote seven to four. As Chair of that Group, Councillor Upton advised that some members of the Group felt that the focus of the report appeared to

be on strategic road transport, with little, if any mention of public transport. Councillor Upton concluded by reiterating that without this SPD there would be a greater risk that development associated with EMF would come forward without the necessary strategic infrastructure contributions.

In seconding the recommendation, Councillor Brennan referred to this significant site, with the EMF in Rushcliffe centred on the Ratcliffe on Soar Power Station site, which was a major strategic site not just for Rushcliffe, but the wider region and potentially nationally, in terms of bringing forward employment, innovative businesses and economic growth. She stated that it was really important that all sites within the EMF could move forward, with Rushcliffe's particular interest centred on the power station site, and the sooner it could start moving forward to attract investment and innovation the better.

It was RESOLVED that:

- a) any recommendations made by Local Development Framework Group be considered;
- b) the proposed revisions to the draft East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document (SPD) be supported;
- c) the adoption of the East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document be approved;
- d) delegated authority be granted 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) a further report be 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.

The meeting closed at 7.45 pm.

CHAIR