

EAST MIDLANDS FREEPORT (EMF) STATEGIC INFRASTRUCTURE & CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)

ADOPTED JUNE 2026

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EXECUTIVE SUMMARY

East Midlands Freeport (“**EMF**”) was approved by Government in 2023 and provides businesses located within its designated ‘tax sites’ with financial incentives to enable economic growth, stimulate innovation, and to create regional investment and employment opportunities. EMF is the UK’s only inland freeport, strategically located at the heart of the UK.

EMF is formed of three ‘tax sites’, respectively falling within three different local authority administrative boundaries:

- the East Midlands Airport and Gateway Industrial Cluster in North West Leicestershire District; and
- the Ratcliffe on Soar Power Station site in Rushcliffe Borough, Nottinghamshire; and
- the East Midlands Intermodal Park in South Derbyshire District;

Certain strategic transport infrastructure is needed to support the delivery and operation of these three EMF sites (“**the EMF Sites**”), including improvement works to Junction 24 of the M1 (“**Strategic Infrastructure**”).

The purpose of this Supplementary Planning Document (“**SPD**”) is to ensure the coordinated and collaborative delivery and funding of the Strategic Infrastructure and that all development coming forward on the EMF Sites, or on strategic allocation sites or other major development sites adjacent to or outside the EMF Sites which will be unlocked by or significantly benefit from the Strategic Infrastructure, contribute towards the Strategic Infrastructure on an equitable and proportionate basis. The evidential work underpinning this SPD, which will be further evolved through an EMF Infrastructure Delivery Plan (“**EMF IDP**”) process, as well as assessments accompanying relevant planning or consenting applications, establishes the “in principle” need for pooled contributions set out in this SPD (which may include works in kind) from SPD Sites in relation to the Strategic Infrastructure. Further highways modelling work is continuing and will inform an EMF IDP in due course.

This SPD envisages a mechanism (a Framework Section 106 agreement approach) for achieving the above purpose through the planning process. A template Framework Section 106 agreement is expected to be developed by the three local planning authorities jointly and used as a base template document for all Section 106 agreements being negotiated by the local planning authorities in relation to relevant development as described above, as and when planning permission is sought for that development.

The EMF IDP will supplement this SPD and provide greater detail on the Strategic Infrastructure, estimated costings, SPD Sites and where possible timescales for delivery and delivery bodies in relation to the Strategic Infrastructure, which will in turn inform the contributions and/or obligations intended to be included in the Framework Section 106 agreement for those SPD Sites.

The local planning authorities will work together co-operatively and collaboratively with a view to ensuring the comprehensive development of the EMF Sites in compliance with Local Plan Policy, this SPD and the EMF IDP, whether those sites are being developed pursuant to planning applications made to one of the local planning authorities or pursuant to a Development Consent Order, Local Development Order or other statutory order (“**Relevant Applications**”).

This SPD will form a material planning consideration for the decision maker when determining Relevant Applications for development to which this SPD applies.

1. BACKGROUND AND CONTEXT

East Midlands Freeport – background information

- 1.1 East Midlands Freeport (“**EMF**”) is the UK’s only inland freeport, strategically located at the heart of the UK. As a freeport, EMF offers special tax, customs and regulatory benefits to encourage economic activity. The aim of EMF is to drive economic regeneration in the area, attracting new investment and creating thousands of jobs. The proposed creation of EMF was announced by the UK Government in March 2021 and EMF became fully operational in March 2023, following formal approval of its business case.
- 1.2 EMF encompasses three strategic sites in three different administrative local planning authority boundaries:
 - 1.2.1 the East Midlands Airport and Gateway Industrial Cluster in North West Leicestershire;
 - 1.2.2 the Ratcliffe on Soar Power Station site in Rushcliffe, Nottinghamshire; and
 - 1.2.3 the East Midlands Intermodal Park in South Derbyshire;
- 1.3 Collectively, these three sites are referred to as “**the EMF Sites**” in this SPD.

Strategic transport infrastructure and SPD Sites

- 1.4 Certain strategic transport infrastructure will be needed to support the delivery and operation of the EMF Sites (referred to in this SPD as “**Strategic Infrastructure**”). This Strategic Infrastructure is also expected to significantly benefit or unlock (a) a number of other strategic allocation sites in the three local planning authority areas (“**Other Benefitting Strategic Allocation Sites**”); and (b) other major development sites in the three local planning authority areas, including development sites immediately adjacent to the EMF Sites (“**Other Benefitting Development Sites**”). The EMF Sites, Other Benefitting Strategic Allocation Sites and Other Benefitting Development Sites are collectively referred to in this SPD as “**the SPD Sites**”. The three local planning authority areas are shown on the plan at Appendix 4.
- 1.5 It is recognised that, whilst the SPD Sites are in different local authority areas, there are interconnected issues and the development of the SPD Sites needs to be co-ordinated in order to ensure that the Strategic Infrastructure is funded and delivered when needed, with all the SPD Sites contributing towards it on a fair and proportionate basis. The Local Planning Authorities agree that the best means of ensuring this is through the adoption of this SPD.
- 1.6 This SPD has been prepared on a collaborative basis by the three local planning authorities for the EMF Sites, South Derbyshire District Council, North West Leicestershire District Council and Rushcliffe Borough Council (“**the Local Planning Authorities**”).

EMF Infrastructure Delivery Plan

- 1.7 An EMF Infrastructure Delivery Plan (“**EMF IDP**”) is being prepared which, when completed and endorsed by the Local Planning Authorities, will sit alongside this SPD and will:
 - 1.7.1 set out the Strategic Infrastructure required to deliver and operate each of the EMF Sites and the Other Benefitting Strategic Allocation Sites, together with any Other Benefitting Development Sites which can be reasonably identified at that time;
 - 1.7.2 set out the estimated costs of each item of Strategic Infrastructure;

- 1.7.3 identify which SPD Sites, as far as is reasonably practicable at the stage of EMF IDP endorsement by the Local Planning Authorities, are intended to contribute towards which items of Strategic Infrastructure;
- 1.7.4 where reasonably practicable, identify the timescales and/or triggers by when each item of Strategic Infrastructure should be delivered; and
- 1.7.5 where reasonably practicable, identify the body which is anticipated to deliver each item of Strategic Infrastructure.
- 1.8 The EMF IDP will be informed by highways modelling work commissioned by EMF which is currently being undertaken across Leicestershire, Nottinghamshire and Derbyshire as well as highways evidence separately being prepared by the respective local planning authorities to inform respective emerging Local Plans to assess the degree of improvement required to accommodate the level of strategic growth planned.
- 1.9 Proposals for development on SPD Sites will be expected to demonstrate that necessary highways capacity is available to serve the development, taking into account cumulative development on the wider network and background growth in traffic and, where appropriate, set within a monitor and manage framework relating to both the Strategic Road Network and Local Highways Network. A monitor and manage approach may be adopted to inform the timing of Strategic Infrastructure requirements, including assessment in relation to the Local and Strategic Road Networks, and specifically M1 Junction 24.
- 1.10 The EMF IDP will be the subject of public consultation prior to it being published and used to help inform the application of this SPD. When the EMF IDP is issued for public consultation it will contain the details referred to in paragraph 1.7 above and will also be accompanied by an appropriate evidence base, including cost estimates for the Strategic Infrastructure and the anticipated viability effects on the SPD Sites of providing a contribution to the delivery of the Strategic Infrastructure.
- 1.11 Following that public consultation, it is expected that the 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 purposes set out in this SPD.
- 1.12 Any contributions towards Strategic Infrastructure will be expected to be provided in accordance with this SPD, informed by the EMF IDP. Strategic Infrastructure and associated mitigation will be expected to be delivered in accordance with schemes approved by National Highways and the relevant Local Highway Authority, and frameworks for the Strategic and Local Highway Networks. The EMF IDP shall be reviewed by the Local Planning Authorities no more than annually (unless circumstances indicate an interim review is necessary) with such revisions being consulted on by the Local Planning Authorities as appropriate and then published.

Site-specific infrastructure and other infrastructure

- 1.13 Development within the EMF Sites is also expected to require site specific infrastructure and this is referred to in this SPD as “**EMF Site Specific Infrastructure**”.
- 1.14 Whilst the Strategic Infrastructure and EMF Site Specific Infrastructure which may be needed to ensure the successful delivery and operation of each of the EMF Sites is indicated below, this is indicative only at this stage and will be updated and replaced by the EMF IDP. Other infrastructure (strategic or site specific) may be required to develop the SPD Sites which is not set out in this SPD.

Local planning authority collaboration

- 1.15 The Local Planning Authorities will work together co-operatively and collaboratively with a view to ensuring the comprehensive development of the EMF Sites in compliance with Local Plan Policy, this SPD and the EMF IDP, whether those sites are being developed pursuant to planning

applications made to one of the Local Planning Authorities or pursuant to a Development Consent Order or other statutory order, including the Local Development Order which was adopted in relation to the Ratcliffe on Soar Power Station site in July 2023.

Highways authorities

- 1.16 The highways authorities for the EMF Sites are Derbyshire County Council (for the East Midlands Intermodal Park), Leicestershire County Council (for the East Midlands Airport and Gateway Industrial Cluster) and Nottinghamshire County Council (for the Ratcliffe on Soar Power Station site), with National Highways being responsible for the Strategic Road Network (“**SRN**”) in those areas. In addition, the East Midlands Combined County Authority (“**EMCCA**”) is the new devolved regional authority covering Derbyshire and Nottinghamshire which manages devolved regional transport funding and strategies and has concurrent transport functions working alongside Derbyshire County Council and Nottinghamshire County Council as highway authorities in those areas.

Status and weight of SPD

- 1.17 The SPD is not part of the development plan and is not development plan policy. From the date of its adoption, this 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 has not yet been issued for public consultation, published or endorsed by the Local Planning Authorities, and therefore the detail of the Strategic Infrastructure required has not 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 this SPD) in relation to Strategic Infrastructure has been established by this 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 this 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.

Framework Section 106 agreement approach

- 1.18 This SPD envisages a mechanism (termed a “Framework Section 106 agreement approach”) for helping achieve equitable and proportionate contributions to Strategic Infrastructure from SPD Sites through the planning process. This entails the development of a template Framework S106 agreement by the local planning authorities, used as a base template document for all Section 106 agreements being negotiated by the local planning authorities in relation to development of the SPD Sites as described above, as and when planning permission is sought for that development.

Public consultation dates

- 1.19 Public consultation was undertaken on a draft of this SPD between 23 March 2026 and 27 April 2026 across South Derbyshire District, North West Leicestershire District and Rushcliffe Borough.

Longevity of SPD

- 1.20 Each of the EMF Sites is subject to adopted local plan policy and emerging local plan policy. This SPD is adopted by the Local Planning Authorities on the basis of adopted local plan policy and on the basis of the local plan policies referred to in the following paragraphs of this SPD. However, all of the EMF Sites will be delivered over a timescale that goes beyond the current adopted local plan periods. The Local Planning Authorities intend that the substance of this SPD (which may be in a

different form – for example, a Supplementary Plan, if feasible, or another form) will continue to apply once the adopted plans cease to have effect and they will work together to achieve that aim, including incorporation of key principles into emerging local plan policies as appropriate.

Background and policy context for each of the EMF Sites:

1.21 The background and policy context for each of the EMF Sites is considered in turn below.

1.21.1 The East Midlands Airport and Gateway Industrial Cluster (“EMAGIC”)

(a) Background:

(i) EMAGIC comprises 2 main sites located to the north and south of East Midlands Airport, as well as two distinct plots of land on the Airport’s operational apron designated as part of the tax site, which together cover 160 hectares. The EMAGIC tax site is shown outlined in red on the plan at Appendix 2. This total designation includes East Midlands Gateway Phase 1 (**EMG1**), which lies north of the airport and comprises the rail freight terminal and large logistics/warehousing development which was granted consent (by way of DCO) in 2016 and has been substantially completed by SEGRO. The land south of the Airport within the EMAGIC tax site is the subject of two development proposals:

- (1) East Midlands Gateway Phase 2 (**EMG2**), which lies south of the airport and is the subject of a DCO application which was submitted by SEGRO in November 2025 and will comprise further logistics and advanced manufacturing development. This DCO application includes proposed highway mitigation works to M1 J24; and
- (2) The land between the Airport and Hyam’s Lane within the EMAGIC site allocation, which is the subject of a separate outline planning application (ref no. 24/00727/OUTM) submitted by Manchester Airports Group (**MAG**) as landowner with the support of their development partner Prologis. This development proposal also comprises logistics and advanced manufacturing development.

(b) Adopted policy:

(i) North West Leicestershire Local Plan (2021 – adopted 2017 but subject to Partial Review in 2020) includes the following policies:

- (1) Policy Ec1 (Employment provision: permissions) which references the planning permission for a Strategic Rail Freight Interchange on land north of East Midlands Airport/west of Junction 24 of the M1 (site EC1d on the policies map) and affirms support for its renewal should permission lapse. The Strategic Rail Freight Interchange has since been delivered, although it is noted that a Material Change Order (“MCO”)

was submitted in November 2026 and will be considered concurrently with the EMG2 DCO.

- (2) Policy Ec4 (East Midlands airport) which recognises that:

'(1) The growth of East Midlands Airport will be supported provided development that gives rise to a material increase in airport capacity or capability:

- (a) Is limited to that necessary to support an airport capable of handling up to 10 million passenger and 1.2 million tonnes of cargo per year; and*
- (b) Incorporates measures that will reduce the number of local residents affected by noise as a result of the airport's operation, as well as the impact of noise on the wider landscape; and*
- (c) Incorporates measures to ensure that local air quality satisfies relevant standards; and*
- (d) Is accompanied by improvements in public transport access to the airport and other measures that will reduce the level of airport-generated road traffic (per passenger); and*
- (e) Will protect and enhance heritage assets within the vicinity of the airport;'*

- (3) Policy Ec5 (East Midlands Airport: Safeguarding) which states as follows:

'(1) Development which would adversely affect the operation, safety or planned growth of East Midlands Airport will not be permitted.

(2) The outer boundary of the Safeguarded Area is shown on the Policies Map and within this area consultation with East Midlands Airport is required on the following proposals:

- (a) All buildings, structures, erections and works that exceed the height specified on the safeguarding map;*
- (b) Any proposed development in the vicinity of East Midlands Airport which may have the potential to interfere with the operation of its navigational aids, radio aids and telecommunication systems;*
- (c) The lighting elements of a development which may have the potential to distract or confuse pilots, particularly in the immediate vicinity of the aerodrome and of the aircraft approach paths;*
- (d) Any proposal for an aviation use within a 13km circle centred on East Midlands Airport;*
- (e) Any proposal within a 13km circle centred on East Midlands Airport which has the potential to attract large numbers of birds. Such proposals include:*
 - (i) significant landscaping or tree planting;*
 - (ii) minerals extraction or quarrying;*
 - (iii) waste disposal or management;*
 - (iv) reservoirs or other significant water bodies;*
 - (v) land restoration schemes;*
 - (vi) sewage works;*
 - (vii) nature reserves;*
 - (viii) bird sanctuaries.*
- (f) Any proposal for a wind turbine development within a 30km circle centred on East Midlands Airport.'*

- (4) IF1 (Development and Infrastructure), which states that:

'Development will be supported by, and make contributions to as appropriate, the provision of new physical, social and green infrastructure in order to mitigate its impact upon the environment and communities. Contributions may be secured by means of planning obligations and/or a Community Infrastructure Levy charge, in the event that the Council brings a Charging schedule in to effect.'

The type of infrastructure required to support new development includes, but is not limited to:

- (a) Affordable housing; and*
- (b) Community Infrastructure including education, health, cultural facilities and other public services; and*
- (c) Transport including highways, footpaths and cycleways, public transport and associated facilities; and*
- (d) Green infrastructure including open space, sport and recreation, National Forest planting (either new provision or enhancement of existing sites) and provision of or improvements to sites of nature conservation value; and*
- (e) The provision of superfast broadband communications; and*
- (f) Utilities and waste; and*
- (g) Flood prevention and sustainable drainage.*

The infrastructure secured (on or off-site) will be provided either as part of the development or through a financial contribution to the appropriate service provider and may include the long-term management and maintenance of the infrastructure.

In negotiating the provision of infrastructure the Council will have due regard to viability issues and where appropriate will require that the applicant provide viability information to the Council which will then be subject to independent verification. The District Council will work closely with infrastructure providers to ensure inclusion of infrastructure schemes within their programmes, plans and strategies, and delivery of specific infrastructure requirements in conjunction with individual development schemes and the expected timing of development coming forward. The Council will also work with partners and other stakeholders to secure public funding towards infrastructure, where possible.'

- (5) IF4 (Transport infrastructure and new development), which states:

'(1) The Council, working with the highway authorities, will ensure that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses and employees. In assessing proposals regard will be had to any Transport

Assessment/Statement and Travel Plan prepared to support the application.

(2) New development will be expected to maximise accessibility by sustainable modes of transport, having regard to the nature and location of the development site, and contribute towards improvement of the following where there is a demonstrable impact as a result of the proposed development:

(a) The provision of cycle links within and beyond sites so as to create a network of cycleways across the district, including linkages to key Green Infrastructure;

(b) The provision of public footpath links within and beyond sites so as to enhance the network of footpaths across the district, including linkages to key Green Infrastructure;

(c) The provision of new public transport services, or the enhancement of existing services, to serve new developments so that accessibility by non-car modes to essential services and facilities, such as shops, schools and employment, is maximised.

(3) Where new development has a demonstrable impact upon the highway network contributions towards improvements will be sought commensurate with the impact. The following specific highway improvements are identified as priorities:

(a) Strategic road improvements

• J22 of M1

• J13 of A42

(b) Local road improvements

• the A511 corridor between J22 of the M1 and J13 of the A42.'

(c) Emerging policy:

(i) The draft North West Leicestershire Local Plan (2025) is at Regulation 18 stage. This draft plan does not include employment allocations, which are to be included in the Regulation 19 draft of the new plan, due to be published in summer 2026. In advance of that publication, the local planning authority has consulted upon Additional Proposed Housing and Employment Allocations in March-April 2025. EMAGIC will be included in the Regulation 19 draft of the local plan.

(ii) The Regulation 18 draft of the North West Leicestershire Local Plan includes the following policies:

(1) Policy Ec8 (East Midlands Airport), which states:

'(1) The growth of East Midlands Airport will be supported to enable it to fulfil its role as a regional airport.

(2) Within the airport limit, as defined on the Policies Map, development will be limited to the following uses:

(a) Operational facilities and infrastructure; and

(b) Passenger and terminal facilities; and

(c) Cargo facilities; and

(d) Airport ancillary infrastructure where the proposed development requires and benefits from an airport location and is of a scale that is appropriate to that relationship; and

(e) Landscape works; and

- (f) Internal highways and infrastructure; and
- (g) Improvements to public transport and airport customer car parking

(3) New development that gives rise to a material increase in airport capacity or capability will be required to:

- (a) Incorporate measures to ensure that the impact of noise on local residents satisfies relevant standards; and
- (b) Incorporate measures to ensure that local air quality satisfies relevant standards; and
- (c) Maximise opportunities to achieve net zero carbon in respect of proposed buildings and non – aircraft operations; and
- (d) Be accompanied by improvements in public transport access to the airport and other measures that will reduce the level of airport-generated road traffic (per passenger).'

(2) Policy Ec9 (East Midlands Airport: Safeguarding), which states:

'(1) Development which would adversely affect the operational integrity or safety of East Midlands Airport will not be permitted.

(2) The outer boundary of the Safeguarded Area is shown on the Policies Map and within this area consultation will be undertaken with East Midlands Airport for the following proposals:

- (a) All buildings, structures, erections and works that exceed the height specified on the safeguarding map;
- (b) Any proposed development in the vicinity of East Midlands Airport which may have the potential to interfere with the operation of its navigational aids, radio aids and telecommunication systems;
- (c) The lighting elements of a development which may have the potential to distract or confuse pilots, particularly in the immediate vicinity of the aerodrome and of the aircraft approach paths;
- (d) Any proposal for an aviation use within a 13km circle centred on East Midlands Airport;
- (e) Any proposal within a 13km circle centred on East Midlands Airport which has the potential to attract large numbers of birds. Such proposals include:
 - (i) significant landscaping or tree planting;
 - (ii) minerals extraction or quarrying;
 - (iii) waste disposal or management;
 - (iv) reservoirs or other significant water bodies;
 - (v) land restoration schemes;
 - (vi) sewage works;
 - (vii) nature reserves;
 - (viii) bird sanctuaries.

(f) Any proposal for a wind turbine development within a 30km circle centred on East Midlands Airport.

(g) Proposals for large-scale solar photovoltaic arrays which have the potential to generate glint and glare, particularly in the immediate vicinity of the airport and of the airport approach and departure paths.'

(d) Strategic Infrastructure needed to deliver EMAGIC:

(i) The EMF IDP will set out the Strategic Infrastructure which is needed to help deliver EMAGIC and which all development proposed within EMAGIC will be expected to contribute towards (or deliver as works in kind, in appropriate cases – see paragraph 2.9.2 below). At this stage the Strategic Infrastructure which has been identified in relation to EMAGIC on an indicative basis is considered to comprise the following:

- (1) M1 J24 Improvement Scheme. This is currently being developed in consultation with National Highways. Final detail is still to emerge, but is likely to include consideration of the following 4 packages of works:
 - (A) Package 1: M1 South to A50 West Slip Road (the construction of a new A50 slip road and underbridge; closure of existing A50 dedicated left-turn at M1 Junction 24; provision of new A453 dedicated left-turn onto A50; and weaving alterations to M1 Junction 24 southbound exit slip road);
 - (B) Package 2: Finger Farm roundabout and northbound M1 Management (at grade signalisation and enlargement of roundabout; installation of M1 northbound “smart” weaving monitoring system; and control of priority between J23a and 24 exits usage);
 - (C) Package 3: M1/A50 north to A453 dedicated left turn (construction of A453 underbridge & Derby link road; diversion of Quarry signalised site exit road; provision of M1/A50 dedicated left-turn onto A453; and provision of Derby Road roundabout for housing access); and
 - (D) Package 4: A4563 East to M1 South dedicated left-turn (construction of Kegworth link road and overbridges; closure of Derby Road and southbound entry slip at M1 J24; provision of A453 dedicated left-turn onto M1; and M1 southbound “smart” merge monitoring or widening to five lanes.)
- (2) Transport improvements to M1 23a and other parts of the Strategic Road Network;
- (3) Strategic sustainable Transport Measures, Walking and Cycling Improvements and Site Wide Travel Plan; and
- (4) Strategic landscape and visual mitigation measures including to address heritage.

(e) Site Specific infrastructure which may be relevant to EMAGIC:

(i) Site Specific infrastructure is infrastructure that may be required in relation to a particular development proposal in EMAGIC, depending upon the development proposal. It will vary from one development parcel to another within EMAGIC but may include, for example, site-specific transport measures, walking and cycling improvements and a site specific travel plan and may include site-specific landscape and visual mitigation measures.

1.21.2 The Ratcliffe on Soar Power Station site ("Ratcliffe"):

(a) Background:

- (i) This is a 273 hectare site, largely (but not wholly) designated as an EMF tax site, with a net developable area of around 128 hectares for new employment and related development. The Ratcliffe EMF tax site is shown outlined in red on the plan at Appendix 3. It is the site of a coal-fired power station which closed for operational purposes in September 2024. The aim is to transform this site into an industrial park focused on advanced manufacturing (including technology needed to transition to net-zero), green and low-carbon energy generation and energy storage. A Local Development Order relating to this site was adopted by Rushcliffe Borough Council in July 2023 (reference 22/01339/LDO) (the **LDO**). The LDO allows for the creation of an industrial park focused on – but not limited to – 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 in accordance with the conditions applied to the Order and the other provisions contained within it, including transport (and other) mitigation requirements. This SPD does not restrict the LDO (as the same may be amended or replaced from time to time) but where a landowner/developer submits a planning application and/or a Section 106 agreement relating to development within the area covered by the LDO this SPD will be a material planning consideration in respect of its determination, alongside the LDO.

(b) Adopted policy:

- (i) The adopted Local Plan for Ratcliffe was adopted in 2014, well before the creation of EMF was announced by the Government. It therefore reflects the situation at the time, when Ratcliffe on Soar Power Station was still operational.
- (ii) Rushcliffe Borough Council Local Plan (adopted 2014). Part 1: Rushcliffe Core Strategy, includes the following policies:

- (1) Policy 5 (Employment Provision and Economic Development), which includes the following:

'The economy will be strengthened and diversified with new floorspace being provided (across all employment sectors) to meet restructuring modernisation and inward investments needs. This will be achieved by...

(5) Encouraging economic development associated with ...other Centres of Excellence in Rushcliffe such as Ratcliffe on Soar Power Station...'

The supporting text to this policy states (paragraph 3.5.21) that, *'Proposals for new sustainable development, changes of use or redevelopment of existing buildings within these locations will be favourably considered.'*

- (2) Policy 18 (Infrastructure), which includes the following:

'1. New development must be supported by the required infrastructure at the appropriate stage. Rushcliffe will work in partnership with other Greater Nottingham local authorities,

infrastructure providers, grant funders, the development industry and other delivery agencies in seeking the provision of necessary infrastructure to support new development.
2. Contributions will be sought from development proposals which give rise to the need for new infrastructure.'

This policy references the existing IDP, but this will be superseded for Ratcliffe by the EMF IDP.

(3) Policy 19 (Developer Contributions) states as follows:

- 1. All development will be expected to:*
 - a. Meet the reasonable cost of new infrastructure required as a consequence of the proposal;*
 - b. Where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of developments to be managed, including identified transport infrastructure requirements; and*
 - c. Provide for the future maintenance of facilities provided as a result of the development.*
- 2. The Council intends to introduce a Community Infrastructure Levy (CIL) to secure infrastructure that has been identified as necessary to support new development and to achieve Core Strategy objectives.*
- 3. Prior to the implementation of a CIL, and following implementation where it remains appropriate, planning conditions and obligations will be sought to secure all new infrastructure necessary to support new development either individually or collectively.'*

(c) Emerging policy:

(i) The draft Greater Nottingham Strategic Plan (publication draft, March 2025) has been prepared by Rushcliffe Borough Council with Broxtowe Borough Council and Nottingham City Council, as a combined Local Plan. It was submitted for examination on 22 December 2025. It includes the following relevant policies:

(1) Policy 32 (Strategic Allocation Former Ratcliffe on Soar Power Station), which states:

- 1. The area, as shown on the adopted policies map, is identified as a strategic site for employment development, including strategic distribution, for the purposes of delivering 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 design and layout of the entire site will be determined through a masterplanning process. The development shall be appropriately phased to take into account provision of necessary infrastructure, including improvements to the strategic and local highway network and public transport network. The indicative distribution of the proposed uses is identified on Figure 32.1.*
- 2. The development will be subject to the following requirements:*
 - A. Employment*

1. The provision of new buildings is limited to 810,000 square metres (gross floor area).
 2. Uses on the Southern Area (land south of A453) are limited to: Energy Generation and Storage; and Advanced Manufacturing and Industrial (Class E(g)(iii) & B2) producing technology or using technology to deliver the net-zero transition.
 3. Uses on the Northern Area (land north of A453) are limited to: Energy Generation and Storage; Advanced Manufacturing and Industrial (Class E(g)(iii) & B2) producing technology or using technology to deliver the net-zero transition; Data Centres; Logistics (Class B8); Research and Development; Offices (Class E(g) (i) and (ii); and Education (Skills and Training) (Class F.1(a)).
 4. The provision of Logistics (Class B8) on the Northern Area is limited to a maximum of 180,000 square metres (gross floor area).
 5. The provision of Offices (Class E(g) (i) & (ii)) on the Northern Area is limited to a maximum of 50,000 square metres (gross floor area) and provision should be located in proximity to the East Midlands Parkway Station.
 6. Training opportunities should be provided for as part of the development.
- B. Neighbourhood centre*
7. A neighbourhood centre including community facilities of an appropriate scale should be provided to serve the needs of occupiers on the site and be located in close proximity to the East Midlands Parkway Station.
 8. The neighbourhood centre can include the provision of one hotel (Class C1) not exceeding 150 beds.
- C. Ground-mounted solar power generation*
9. Provision of up to 10 hectares of ground mounted solar power generation and which should be located adjacent to the northern boundary of the Northern Area (land north of the A453).
- D. Transportation*
10. Improvements to road infrastructure necessary to mitigate adverse traffic impacts and serve the new development, including improvements to the A453 and likely improvements to Junction 24 of the M1 and local roads.
 11. Provision of appropriate walking and cycling facilities and public transport links through and beyond the site.
 12. Retention and use of the site's existing freight rail line and associated service / loading yards.
 13. Provision of direct pedestrian access from the site to East Midlands Parkway Station.
 14. Implementation of a Sustainable Transport Strategy, a Site Wide Travel Plan and Plot Specific Travel Plans.
- E. Other Requirements*
15. Protection of the safe operation of aircraft using East Midlands Airport.
 16. Utilisation of any remaining fly ash resource, comprising pulverised fuel ash (PFA) and furnace bottom ash (FBA), where reasonably practicable and commercially viable.
 17. Sewage and off-site drainage improvements.
 18. An appropriate sustainable drainage system.
 19. A high quality built environment, including public spaces, to create a distinctive character that responds positively to the

site, relates well to the surroundings, and gives consideration to the most appropriate sustainable methods of construction.

20. The creation and enhancement of green infrastructure which links to the wider green infrastructure network, which has regard to the Greater Nottingham Landscape Character Assessment, and provides for biodiversity enhancements.

21. The retention and creation of significant Green Infrastructure areas and buffers, particularly on the eastern boundary of the Northern Area (north of the A453) and on all boundaries of the Southern Area (south of the A453).

22. Planning permission will not be granted for manufacturing uses which would have an adverse air quality impact upon any European site for nature conservation including the possible potential Special Protection Area, either alone or in combination with other pollution sources such as traffic.

23. Provision of contributions for local infrastructure, including facilities and services that are essential for development to take place or which are needed to mitigate the adverse impact of development will be secured through Planning Obligations in line with Policy 18.

(2) Policy 18 (Development Contributions for Infrastructure), states:

1. New development must be supported by the required infrastructure at the appropriate stage.

2. All development will be expected to:

a) meet the costs of new infrastructure required as a consequence of the proposal;

b) contribute to the delivery of necessary infrastructure to enable any cumulative impacts of the development to be managed, including identified transport infrastructure requirements; and

c) provide for the future maintenance of facilities provided as a result of the development.

3. Developer contributions may be negotiated to take account of situations where development is phased over time, or where there are significant changes in economic conditions over the period up to completion of a development, to ensure development contributes appropriately to necessary infrastructure.

4. There are known infrastructure and capacity constraints, in particular related to transport, education, open space, health and flood risk. Further detailed assessment of these issues will be required, as set out through future plan preparation, Supplementary Plans and / or masterplans.

(d) Strategic Infrastructure needed to deliver Ratcliffe

(i) The EMF IDP will set out the Strategic Infrastructure which is needed to deliver Ratcliffe and which all development proposed within Ratcliffe will be expected to contribute towards (or deliver as works in kind, in appropriate cases – see paragraph 2.9.2 below). At this stage, the Strategic Infrastructure which has been identified in relation to Ratcliffe on an indicative basis is considered to comprise the following:

(1) Transport improvements to M1 J24 (as set out in EMAGIC section above);

- (2) Transport improvements to M1 23a and other parts of the Strategic Road Network;
 - (3) Strategic transport improvement works;
 - (4) Strategic sustainable Transport Measures, Walking and Cycling Improvements and Site Wide Travel Plan; and
 - (5) Strategic landscape and visual mitigation measures including to address heritage.
- (e) Site Specific infrastructure which may be relevant to Ratcliffe
- (i) Site Specific infrastructure is infrastructure that may be required in relation to a particular development proposal in Ratcliffe, depending upon the development proposal. It will vary from one development parcel to another within Ratcliffe, but may include, for example, site-specific transport measures, walking and cycling improvements and a site specific travel plan.
- (f) Site-wide strategy for remediation and/or ground condition works as part of appropriate phasing of the Ratcliffe development
- (i) As part of the appropriate phasing of development, remediation and/or ground works shall be expected to be delivered on the Ratcliffe site as part of an approved site-wide strategy, including appropriate remediation and/or ground condition works cost apportionment between development parcels within Ratcliffe to be on an equitable and proportionate basis regardless of when those development parcels come forward in order to help ensure a comprehensive development of the Ratcliffe site.

1.21.3 **East Midlands Intermodal Park (“EMIP”)**

- (a) Background:
- (i) This 173 hectare site is located approximately 3 miles to the south west of Derby, adjacent to the A50/A38 junction, which connects with the M1 (and East Midlands Airport) to the east and the M6 to the north-west. The EMF tax site proposition at EMIP is the delivery of a sustainable rail-connected business park, helping businesses to operate more cost-effectively and reduce their environmental impact by shifting from road to rail freight. EMIP includes the development of a Strategic Rail Freight Interchange which is designated as a Nationally Significant Infrastructure Project and therefore currently expected to be the subject of a Development Consent Order (**DCO**) or similar, which has not yet been submitted, though other consenting routes are not precluded. The EMIP tax site is shown outlined in red on the plan at Appendix 1.

(b) Adopted policy:

(i) South Derbyshire Local Plan (Part 1 adopted 2016, Part 2 adopted 2017) includes the following policies:

(1) Policy INF1 (Infrastructure and Developer Contributions), which states:

'A New development that is otherwise in conformity with the Local Plan but generates a requirement for infrastructure will normally be permitted if the necessary on and off-site infrastructure required to support and mitigate the impact of that development is either:

- i) Already in place, or*
- ii) There is a reliable mechanism in place to ensure that it will be delivered in the right place, at the right time and to the standard required by the Council and its partners.*

B The Council will revise its Planning Obligations SPD to cover infrastructure and service requirements, including site-specific infrastructure, to be delivered through S106 Planning Obligations. Furthermore, once a Community Infrastructure Levy has been adopted, the Council will also operate a Community Infrastructure Levy Charging Schedule, to secure funding from new development towards infrastructure provision.

C Where appropriate, the Council will permit developers to provide the necessary infrastructure themselves as part of their development proposals, rather than making financial contributions.

D It is expected that development is appropriately supported and its effects mitigated, in the interests of sustainability. The viability of developments will also be considered when determining the extent and priority of developer contributions in line with the Infrastructure Delivery Plan.'

(2) INF3 (Strategic Rail Freight Interchange), which includes the following text:

'A Any proposal for the development of a Strategic Rail Freight Interchange shall meet all the following criteria:

- i) an operational connection, to Network Rail track and signalling standards, to main trunk rail routes with sufficient available capacity and gauge capability of at least W8;*
- ii) railway wagon reception and inter-modal handling and container storage facilities capable of accommodating 775 metre freight trains carrying modern wagons.*

B The elements of the development identified above shall be completed before any business units on the site are occupied.

- i) An acceptable means of access to the trunk road network and parking for all goods vehicles shall be provided and operational arrangements shall minimise the use of local highways by heavy goods vehicles; and*

- ii) *there shall be no undue amenity or safety impacts including noise, vibration, odours, light pollution and traffic generation; and*
- iii) *the proposal shall be well designed and shall not cause undue harm to the character of the local landscape; and*
- iv) *the proposal shall preserve the character or setting of any listed buildings, conservation areas or other heritage assets; and*
- v) *the proposal shall not cause undue harm to features of ecological or environmental value and, where possible, shall result in biodiversity gain and enhanced environmental value; and*
- vi) *the proposal shall not increase the surface water run-off rate from the site and shall not increase flood risk elsewhere; and*
- vii) *an appraisal shall be made of the potential for the utilisation of waste heat from power stations for heating and cooling on the development site; and*
- viii) *appropriate provision shall be made for convenient access to the site on foot, by cycle and by public transport.*

(3) INF4 (Transport Infrastructure Improvement Schemes) – which specifically references the A50/A38 junction improvement scheme, as follows:

'A The Council will work with partners to deliver the following transport schemes:

...

iii) *A50 junction with the A38 improvement scheme*

...

B Where required to mitigate the transport impacts of the development, the Council will seek to negotiate financial contributions toward these schemes. Proposals that would prejudice their implementation will not be permitted.

C In determining the detailed alignments and designs of these schemes regard shall be had to the following:

- i) *Minimising the impact on the environment, heritage assets and natural features;*
- ii) *Taking full account of recreational routes along, or affected by, the schemes;*
- iii) *Providing for the needs of pedestrians, cyclists and people with impaired mobility;*
- iv) *Mitigating any potential flood risk impact.'*

(c) Emerging policy:

- (i) Draft South Derbyshire Local Plan Part 1 Review (Reg 19, 2025.) This plan has been subject to Regulation 19 consultation in March-April 2025

and is expected to be submitted for examination in summer 2026. The draft plan includes the following policies:

- (1) Policy INF3 (East Midlands Intermodal Park Strategic Rail Freight Interchange/ East Midlands Freeport), which states as follows:

'A Land is allocated for the development of an East Midlands Intermodal Park Strategic Rail Freight Interchange/ East Midlands Freeport at Egginton Common, as shown on the Policies Map. This will represent a Nationally Significant Infrastructure Project.

B The development shall incorporate the following elements, which shall be completed before any business units on the site are occupied:

- i) an operational connection, to Network Rail track and signalling standards, to main trunk rail routes with sufficient available capacity and gauge capability of at least W8;*
- ii) railway wagon reception and inter-modal handling and container storage facilities capable of accommodating 775 metre freight trains carrying modern wagon;.*
- iii) rail connected or rail accessible buildings.*

C The development shall meet the following criteria:

- i) An acceptable means of access to the trunk road network and parking and associated facilities for all goods vehicles shall be provided and operational arrangements shall minimise the use of local highways by heavy goods vehicles; and*
- ii) there shall be no undue amenity, safety or highway impacts including noise, vibration, odours, light pollution and traffic generation; and*
- iii) the proposal shall be well designed and shall not cause undue harm to the character of the local landscape and shall contribute toward landscape scale enhancement in accordance with the Trent Valley Vision; and*
- iv) the proposal shall preserve the character or setting of any listed buildings, conservation areas or other heritage assets; and*
- v) the proposal shall not cause undue harm to features of ecological or environmental value and shall contribute toward the delivery of green infrastructure; and*
- vi) appropriate provision shall be made to meet biodiversity net gain requirements as part of a wider network in the Trent Valley; and*
- vii) the proposal shall not increase the surface water run-off rate from the site and shall not increase flood risk elsewhere; and*
- viii) any new built development, other than that required for flood mitigation or recreation purposes, shall be limited to the area to the north of the Derby-Crewe railway line; and*

- ix) *the area to the south of the Derby-Crewe railway line shall be reserved for blue and green infrastructure and shall be made publicly accessible for recreational purposes; and*
- x) *provision shall be made for convenient and safe access to the site on foot, by cycle and by public transport (potentially including passenger rail if feasible), including Key and Local Cycle Network routes connecting to population centres and bus services connecting to Willington railway station and population centres, including Swadlincote.'*

(2) INF4 (Transport Infrastructure Improvement Schemes), includes the following text:

'A The Council will work with partners to deliver the following transport schemes:

- i) *South Derby Integrated Transport Link phase 1 and new A50 junction*
- ii) *A50 junction with the A38 improvement scheme*
- iii) *A50 junction with the A514 improvement scheme*
- iv) *Walton-on-Trent Bypass*
- v) *Swarkestone Causeway Bypass*

B Where required to mitigate the transport impacts of the development, the Council will seek to negotiate financial contributions toward these schemes. Proposals that would prejudice their implementation will not be permitted.

C In determining the detailed alignments and designs of these schemes regard shall be had to the following:

- vi) *Minimising the impact on natural and built environment assets*
- vii) *Taking full account of active travel routes along, or affected by, the schemes;*
- viii) *Providing for the needs of pedestrians, cyclists and people with impaired mobility;*
- ix) *Mitigating any potential flood risk impact.*

D The indicative alignments of:

- I. *the South Derby Integrated Transport Link Phases 1 and 2, and new A50 junction and*
- II. *the Walton-on-Trent Bypass, as shown on the Policies Map, shall be safeguarded against development that could compromise their delivery.*

(d) Strategic Infrastructure needed to deliver EMIP

- (i) The EMF IDP will set out the Strategic Infrastructure that is needed to deliver EMIP and which all development proposed within EMIP will be expected to contribute towards (or deliver as works in kind, in appropriate cases – see paragraph 2.9.2 below). At this stage the

Strategic Infrastructure which has been identified in relation to EMIP on an indicative basis is considered to comprise the following:

- (1) Improvements to the Strategic Road Network;
- (2) Strategic sustainable Transport Measures, Walking and Cycling Improvements and Site Wide Travel Plan; and
- (3) Provision of public access for recreation on land to the south of the Derby-Crewe railway line.

(e) Site Specific infrastructure which may be relevant to EMIP:

- (i) Site Specific infrastructure is infrastructure that may be required in relation to a particular development proposal in EMIP, depending upon the development proposal. It will vary from one development parcel to another within EMIP, but may include site specific public access arrangements to land to the south of the Derby-Crewe railway line.

(f) Site-wide strategy for remediation and/or ground condition works as part of appropriate phasing of the EMIP development

- (i) As part of the appropriate phasing of development on the EMIP site, any remediation and/or ground condition works shall be expected to be delivered on the EMIP site as part of an approved site-wide strategy, including appropriate remediation and/or ground condition works cost apportionment between development parcels within EMIP to be on an equitable and proportionate basis regardless of when those development parcels come forward in order to help ensure an appropriate comprehensive development of the EMIP site.

1.22 Community Infrastructure Levy

- 1.22.1 There is no Community Infrastructure Levy (“**CIL**”) charging schedule in force in South Derbyshire District or North West Leicestershire District, so neither EMIP nor EMAGIC are subject to CIL.
- 1.22.2 There is a CIL charging schedule in force in Rushcliffe Borough. Ratcliffe falls within Zone 5 of that schedule for residential development (excluding apartments) where a current CIL rate of £100 per square metre applies. CIL also applies in Ratcliffe in relation to general retail A1-A5 (excluding food supermarket) at a current rate of £50 per square meter and to food supermarket A1 at a current rate of £100 per square metre. All other developments in Rushcliffe Borough are £0 CIL rated.

2. DELIVERY STRATEGY

Framework Section 106 Agreement

- 2.1 A mechanism is needed to ensure that the Strategic Infrastructure (including that which is required by the development of the EMF Sites collectively and that which is required only in relation to one or two of the EMF Sites), is delivered in a coordinated manner and that each development parcel within any of the SPD Sites, contributes towards the Strategic Infrastructure, including as identified in the EMF IDP, on an equitable and proportionate basis regardless of when those development parcels come forward.
- 2.2 The Local Planning Authorities consider that a key mechanism for ensuring this objective is achieved is via “a Framework Section 106 agreement”, as explained below.
- 2.3 The format of the Framework Section 106 agreement is expected to be developed by the Local Planning Authorities jointly and used as a base template document for all Section 106 agreements relating to the development of any land parcel within any of the EMF Sites (save exempt development referred to in paragraph 2.7 below). It is also expected to be used, where appropriate, for Section 106 agreements relating to the development of other SPD Sites.
- 2.4 The format of the Framework Section 106 agreement is expected to be broadly the same across the SPD Sites, but the draft is expected to be refined for each SPD Site, to reflect the different Strategic Infrastructure (and Site Specific Infrastructure) which that SPD Site is expected to contribute towards, as set out in the EMF IDP and explained in paragraph 1 above.
- 2.5 The Framework Section 106 agreement is expected to provide a ‘base’ or template draft Section 106 agreement for all development parcels coming forward within each of the SPD Sites which each of the Local Planning Authorities will be expected to utilise when negotiating Section 106 agreements relating to those development parcels.
- 2.6 Landowners and developers of land within any of the SPD Sites will be expected to enter into a Framework Section 106 agreement in connection with any development proposal (save exempt development referred to in paragraph 2.7 below.) They may also be expected to enter into equalisation agreements in relation to any works in kind for Strategic Infrastructure and in relation to land on which Strategic Infrastructure is being delivered, so that land values across each SPD Site are equalised and the cost of providing land on which Strategic Infrastructure is located (and such land therefore not being available for development as a result) is shared fairly and proportionately amongst all landowners and developers within the SPD Site regardless of where that Strategic Infrastructure is located – see paragraph 2.9.4 below.
- 2.7 Development of any part of the SPD Sites consisting of:
- 2.7.1 less than 1,000 square metres of non-residential development (save where a larger parcel of land has been sub- divided into proposed developments consisting of less than 1,000 square metres of non-residential development); or
 - 2.7.2 (where applicable) less than 10 dwellings (save where a larger parcel of land has been sub-divided into proposed developments consisting of less than 10 dwellings) or development consisting of a replacement dwelling or dwellings
- shall not be expected to enter into a Framework Section 106 agreement.
- 2.8 The Framework Section 106 agreement is anticipated to contain a “Part A” dealing with Strategic Infrastructure (expected to be included consistently for each application for development within the relevant SPD Site, save where minor specific adjustments are allowed) and “Part B” dealing with Site Specific Infrastructure and any required remediation works (which will be bespoke for each proposed

development site, although the approach taken to particular infrastructure should be expected to be consistent across the relevant SPD Site within which the proposed development is located).

2.9 Part A of the Framework Section 106 agreement is expected to include the following provisions:

2.9.1 Payment of Strategic Infrastructure contributions:

- (a) Landowner/developers will be expected to make Section 106 contributions (under Section 106 of the Town and Country Planning Act 1990, as the same may be amended or replaced) towards Strategic Infrastructure save where works in kind have been agreed and allowed in lieu of those contributions (see paragraph 2.9.2 below.)
- (b) Insofar as is reasonably practicable, the Strategic Infrastructure costs will be identified in the EMF IDP, which will be consulted upon and adopted to inform this SPD.
- (c) The amount of Section 106 contributions payable towards Strategic Infrastructure shall be informed by an allocation wide assessment of Strategic Infrastructure costs across all of the SPD Sites and viability testing shall be carried out to ensure that that Strategic Infrastructure can be delivered as part of policy-compliant development of the EMF Sites and Other Benefitting Strategic Allocation Sites and Other Benefitting Development Sites. Public sector funding may be sought to part fund some of the Strategic Infrastructure and this will also be considered when determining the amount of Section 106 contributions payable towards Strategic Infrastructure.
- (d) The amount of Section 106 contributions payable towards Strategic Infrastructure shall be determined by the Local Planning Authorities on a consistent and proportionate basis across the SPD Sites and in accordance with regulation 122 of the Community Infrastructure Levy Regulations 2010 (as the same may be amended or replaced). The basis on which these are sought will be considered as part of the IDP preparation.
- (e) The EMF IDP and/or Framework Section 106 agreement will include triggers for payment for each Strategic Infrastructure contribution, reflecting the timescale within which that Strategic Infrastructure needs to be delivered.
- (f) The Strategic Infrastructure contributions set out in each individual Section 106 Agreement will be subject to review when the EMP IDP is updated (except during a 'grace' period when they may not be reviewed to allow landowner/developers to implement – or sell - with cost certainty). They will also be subject to (a) indexation calculated from the date of the relevant Section 106 Agreement and (b) interest in the event of late payment.
- (g) The EMF IDP may be updated by the Local Planning Authorities from time to time – see paragraph 1.12 above.
- (h) The Strategic Infrastructure contributions may be paid in instalments to be agreed in the relevant Section 106 agreement and the payment date(s) for payment contributions will also be agreed in the relevant Section 106 agreement.
- (i) The Strategic Infrastructure contributions may be paid into 'pots' which may fund either a single item of Strategic Infrastructure or multiple items of Strategic Infrastructure, at the Local Planning Authority's discretion (or the discretion of the highways authority in relation to highways contributions).

- (j) The Strategic Infrastructure contributions shall be payable, where relevant, where the Strategic Infrastructure has been built or provided as at the date the relevant Section 106 agreement is entered into, in order to ensure a proportionate contribution is made by all non-exempt development within the SPD Sites.
- (k) Early delivery of certain items of Strategic Infrastructure may be beneficial or necessary in order to enable or encourage development. Where a third party (including an early landowner/developer within any of the SPD Sites) has forward funded any such item the Section 106 agreement is expected to acknowledge that the Local Planning Authority may pay any Section 106 contributions collected relating to that item of Strategic Infrastructure to the third party delivering that infrastructure.

2.9.2 **Works in kind:**

- (a) The Local Planning Authorities may, in relation to some items of Strategic Infrastructure, be open to discussing the possibility of a landowner/developer delivering works in kind and paying a reduced Section 106 contribution towards the relevant Strategic Infrastructure item as a result or making an adjustment to other Section 106 contributions, where appropriate, but it shall be at the discretion of the relevant Local Planning Authority (or highways authority where the relevant infrastructure is highways infrastructure) whether or not to permit any works in kind, bearing in mind all relevant circumstances.
- (b) Any landowner/developer proposing to carry out works in kind is encouraged to discuss their proposals with the Local Planning Authority, highways authority (where the relevant infrastructure is highways infrastructure) and other landowners in the SPD Site (or SPD Sites where the Strategic Infrastructure is relevant to more than one SPD Site) at the earliest possible opportunity - the Local Planning Authority will expect such discussions to have taken place prior to the submission and determination of any planning application.
- (c) Where a landowner/developer proposes to carry out works in kind the landowner/developer shall provide the relevant Local Planning Authority with a Site-wide deliverability appraisal which shall reflect any equalisation agreements entered into by them with other landowners/developers (relating to how the landowner will be compensated by other landowners in respect of the proposed works in kind – see paragraph 2.9.4 below), a proposal of any anticipated equalisation agreements and the proposed delivery arrangements for the relevant Strategic Infrastructure, including the nature, scale and timing of delivery and the estimated costs of delivery.
- (d) Where the Local Planning Authority, or highways authority as the case may be, does permit works in kind the landowner/developer will be expected to obtain the approval of the Local Planning Authority (and highways authority in the case of highways infrastructure) to the detailed design of those works, obtain all necessary consents and enter into all statutory agreements required. The relevant Local Planning Authority (or highways authority where the relevant infrastructure is highways infrastructure) will also require collateral warranties and step in rights and may require additional security and/or remedies (such as bonds), to protect the Local Planning Authority or highways authority as the case may be against the landowner/developer's failure to complete the works in kind, to ensure the delivery of that infrastructure when it is needed. The landowner/developer will be expected to manage and maintain the works in kind for an agreed period and then (generally) be expected to transfer the ownership of such works (including the freehold ownership of the land on which the works are built) to the Local Planning Authority, or highways authority in the case of

highways infrastructure or another relevant body as the Local Planning Authority or highways authority may direct, when required by the Local Planning Authority.

2.9.3 **Strategic Infrastructure land:**

- (a) Strategic Infrastructure contributions will not be reduced where land is provided for strategic infrastructure.
- (b) For the purposes of calculating the relevant Strategic Infrastructure costs, it is expected to be assumed that the land on which Strategic Infrastructure is located will be transferred to the relevant Local Planning Authority (or highway authority, National Highways or other body where appropriate) for nil value.
- (c) Landowners and developers may enter into equalisation agreements between themselves in order to equalise land values (so that a landowner on whose land Strategic Infrastructure is located is compensated by other landowners who benefit from that Strategic Infrastructure).

2.9.4 **Equalisation:**

Where the Local Planning Authority (or highways authority in the case of highways infrastructure) confirms that there is a need for a landowner/developer ('**Developer A**') entering into the Section 106 agreement to enter into an equalisation agreement with another allocation area landowner/developer ('**Developer B**') because Developer B is delivering Works in Kind or providing Strategic Infrastructure land then the Framework Section 106 Agreement may provide that Developer A shall use reasonable endeavours to enter into that equalisation agreement and if it is not entered into within a reasonable period of time (which the Local Planning Authority shall specify) Developer A shall agree on written request from Developer B to submit to dispute resolution (arbitration or expert determination, as the Local Planning Authority shall decide) and the arbitrator or expert shall determine how equalisation may be achieved following which Developer A shall enter into an equalisation agreement with Developer B in accordance with the arbitrator or expert's determination.

2.9.5 **Access:**

The landowner shall be expected to permit (at nil cost) access to such part of its application site as may be needed for the relevant public authority (or a landowner/developer delivering those works) to carry out and complete any Strategic Infrastructure works. Where there will be overlapping contractors on site, access shall be subject to an agreed method statement. The landowner/developer of any development parcel forming part of the SPD Sites shall be expected to design their development to facilitate vehicular and (where relevant) pedestrian, cycleway and bridleway access to adjacent parcels of land to ensure site-wide connectivity and so that development of each SPD Site (or SPD Sites where they lie adjacent to each other) moves forward on a comprehensive basis.

2.9.6 **Repayment of forward funding:**

The Framework Section 106 Agreement shall include an acknowledgement that Strategic Infrastructure contributions may be used to repay relevant bodies or landowner/developers for any infrastructure that has been forwarded funded (including any repayment or recovery and recycling obligations.)

2.9.7 **Reimbursement of contributions:**

To the extent that there is any surplus in the Strategic Infrastructure funds once the relevant Strategic Infrastructure has been built the Local Planning Authorities will act consistently in

deciding whether or not to reimburse such funding and such provisions shall form part of any Framework Section 106 agreement. Any reimbursement will be proportionate and subject to the development to which it relates being policy-compliant and all other infrastructure needs of that development having been met; if not then any reimbursement monies due in respect of that development may first be applied by the relevant Local Planning Authority towards making that development policy-compliant.

2.9.8 Community infrastructure levy:

The Framework Section 106 agreement shall include a provision that if CIL were to be introduced which applied to any of the SPD Sites, the Framework Section 106 agreement would be adjusted so that there would be no increased financial burden on landowners or developers of land within the allocation site as a result.

2.9.9 Future planning law:

The Framework Section 106 agreements will deal with the principle of there being no increased financial burden on landowners or developers if new planning legislation is brought into force which introduces a new levy in full or partial replacement of Section 106 agreements.

2.9.10 Section 106 monitoring fees:

The relevant Local Planning Authority and the relevant highways authority will charge a proportionate and reasonable monitoring fee.

Other considerations relevant to the delivery of the Strategic Infrastructure:

2.10 Conditions:

In appropriate cases the relevant Local Planning Authority may use pre-commencement and/or pre-occupation conditions on planning permissions to prevent development and/or occupation of relevant phases of the development in advance of the necessary Strategic Infrastructure being in place.

2.11 Statutory agreements:

In appropriate cases the relevant Local Planning Authority and highways authority may require conditions to form part of any planning permission or obligations in a Section 106 agreement requiring the landowners/developers to enter into highways agreements to secure adoption of any roads or other public rights of way forming part of the Strategic Infrastructure and/or any other planning or infrastructure agreements that may be required at the relevant time.

2.12 Other Benefitting Development Sites:

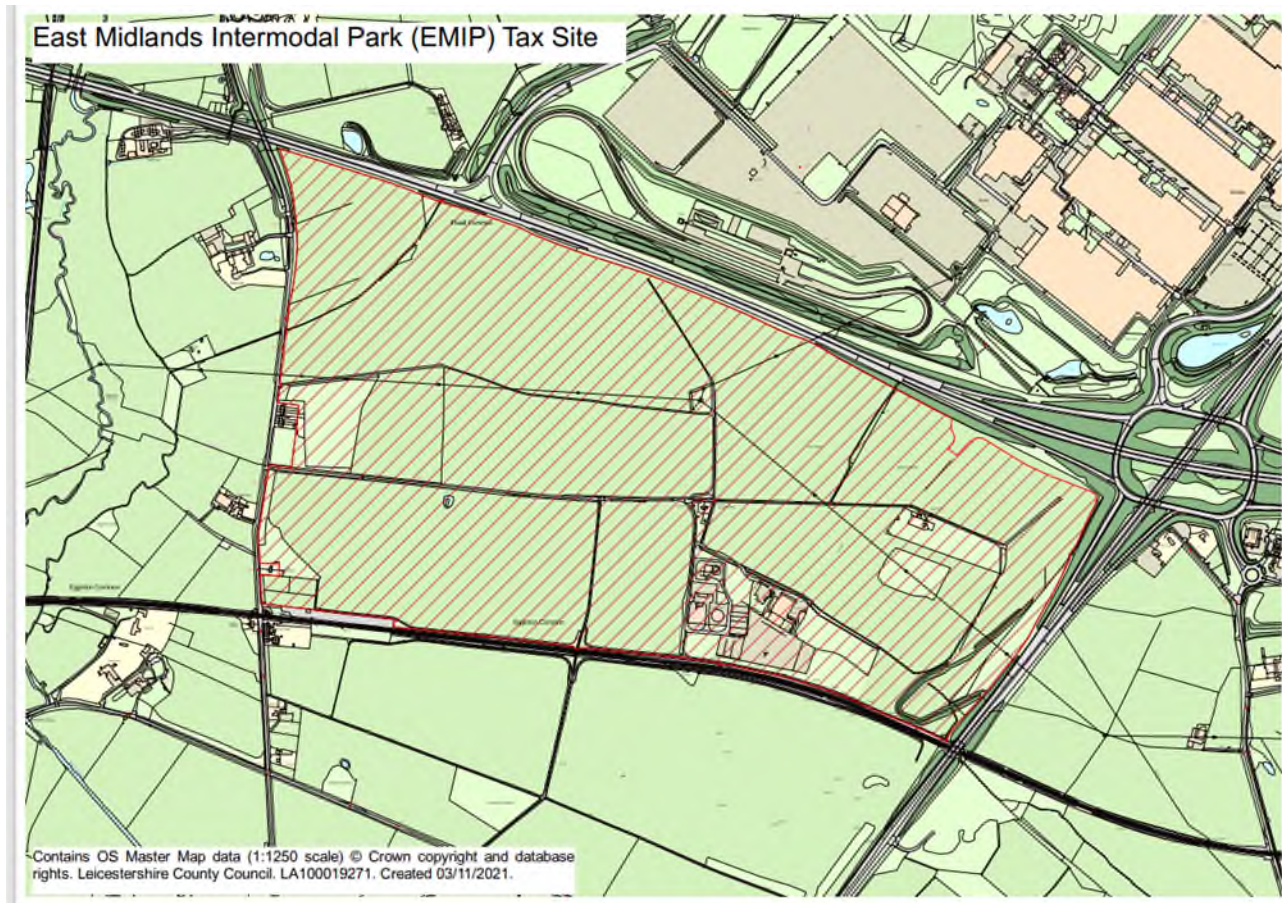
Where planning applications are made for development within the area shown on the plan at Appendix 4 but not lying within one of the EMF Sites or Other Benefitting Strategic Allocation Sites and not being exempt development and such development will be unlocked by or significantly benefit from the Strategic Infrastructure being provided or funded by development within the EMF Sites (and, where applicable Other Benefitting Strategic Allocation Sites), that development may also be required by the relevant Local Planning Authority to contribute towards the costs of such Strategic Infrastructure via a Section 106 Agreement - the relevant Local Planning Authority shall determine on a case by case basis, in line with the statutory tests for planning obligations, whether such contributions or a proportion thereof, should be payable. Development of land immediately adjacent to the EMF Sites which forms part of or is related to development of an EMF Site is expected to comprise such development.

2.13 Viability:

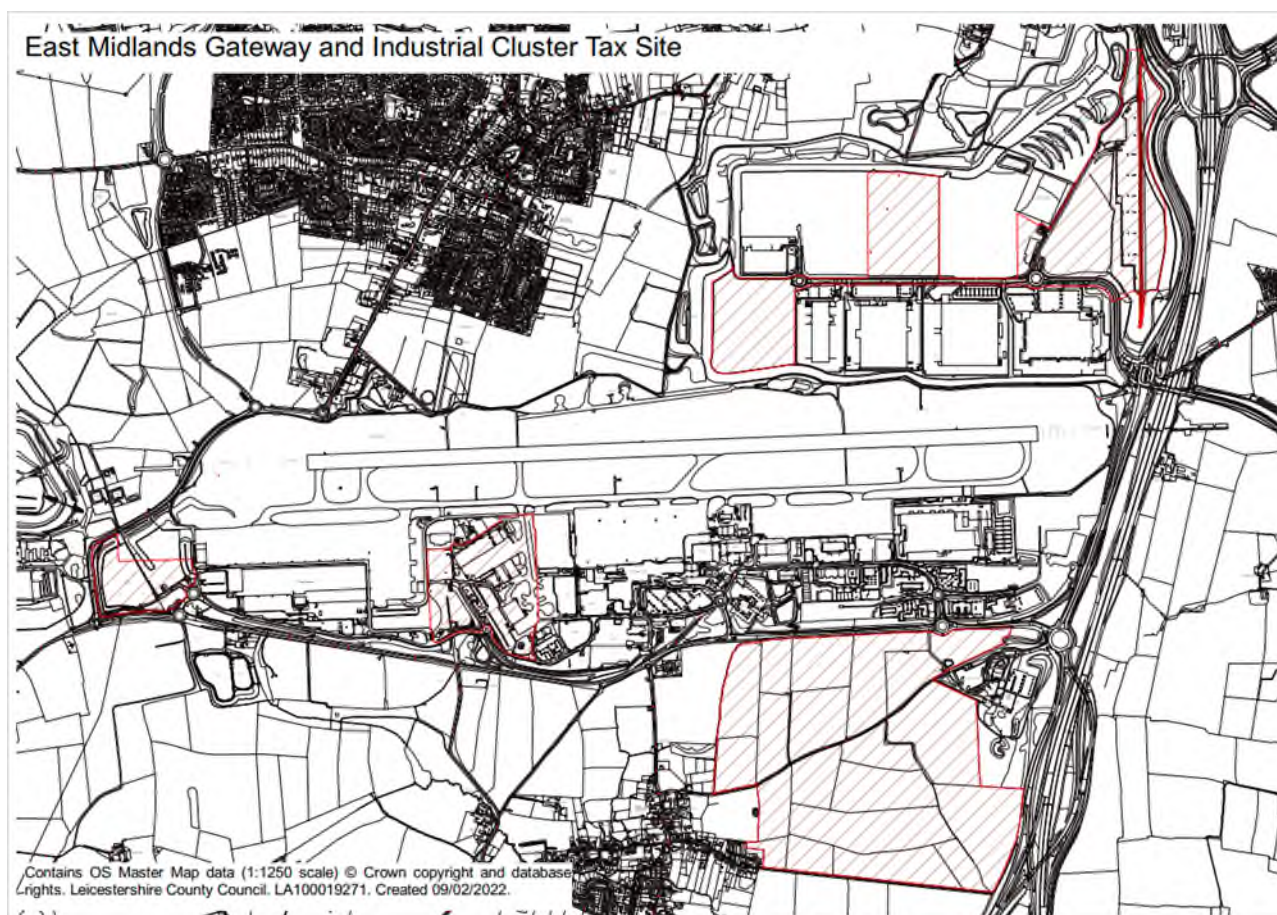
- 2.13.1 Proposals should be designed in a way that accords with Local Plan policies, including the requirement to contribute towards Strategic Infrastructure costs in accordance with this SPD, the EMF IDP and other items that may be secured through Section 106 agreements, including affordable housing.
- 2.13.2 Where, in the opinion of a landowner/developer of land within any of the SPD Sites, their proposed development cannot meet Local Plan policy requirements and the requirements of this SPD and the EMF IDP and the landowner/developer wishes the Local Planning Authority to consider a non-policy and SPD/IDP compliant alternative, the landowner/developer will be required to robustly demonstrate that the development is clearly unviable by submitting a financial viability assessment ("**FVA**") to the relevant Local Planning Authority.
- 2.13.3 All FVAs submitted by landowners/developers should be undertaken in accordance with current RICS valuation standards contain the following information with supporting evidence:
- (a) a summary of the main assessment assumptions (evidenced from an independent expert or source);
 - (b) site or building acquisition cost (paid or anticipated on contracted to be paid) and existing use value (adopting relevant RICS Valuation Standards);
 - (c) detailed construction costs and programme;
 - (d) fees and other on costs;
 - (e) projected sale (or letting as appropriate) prices of non-residential floorspace with evidence of the same;
 - (f) (in relation to residential development) details of discussions with registered providers of affordable housing to inform the value of affordable housing assumed within the FVA;
 - (g) gross and net margin;
 - (h) other costs and receipts;
 - (i) other relevant information dependent on the nature of the obligation(s) under discussion;
 - (j) a summary clearly setting out the reasons that make a development proposal unviable; and
 - (k) if applicable, any request to vary Section 106 agreements from those set out in the Local Plan and this SPD, and the EMF IDP such a request to state the proposed level of obligations and demonstrate why they are the maximum that can be provided, provided that such a request may only be made if all of the following have already been completed and a justificatory statement in respect of the same has been provided to the relevant Local Planning Authority:
 - (i) a review of all assumptions within the viability model with a view to improving viability, including land value, build and development costs, sales prices, phasing, funding (including borrowing costs) and legal, professional and marketing costs;

- (ii) consideration of a reduction in the minimum anticipated developer profit for the scheme to offset any degree of non-compliance with Local Plan or SPD or EMF IDP requirements;
 - (iii) consideration of how growth assumptions (value increases over time) have been factored into the viability model; and
 - (iv) active exploration of available options for public sector funding which would enable the proposed development to be compliant with Local Plan or SPD or and EMF IDP requirements.
- 2.13.4 The FVA will be scrutinised by the relevant Local Planning Authority with advice from a suitably qualified external consultant and the reasonable cost of this external consultant is to be met by the landowner/developer who has submitted the FVA. If material changes are made to an application after submission that could affect scheme viability, a revised FVA will be required.
- 2.13.5 Where the Local Planning Authority is satisfied that Section 106 contributions or works required or expected by the Local Plan policies and this SPD and the EMF IDP cannot be met in full on a particular development proposal due to financial viability, the Local Planning Authority may choose to:
 - (a) reduce the Section 106 contributions towards Strategic Infrastructure payable pursuant to this SPD and the EMF IDP; and/or
 - (b) adjust the timetable for delivery of Strategic Infrastructure to be funded by those Section 106 contributions or provided in kind; and/or
 - (c) reduce or amend other planning obligations for that development proposal, provided that the relevant Local Planning Authority will continue to pay due regard to the objective of ensuring an equitable and proportionate apportionment of the costs of delivering Strategic Infrastructure for the Site(s).
- 2.13.6 The financial viability of development proposals may change over time due to the prevailing economic climate, including changing property values and construction costs. In all cases, therefore, where the relevant Local Planning Authority have agreed to any of the reduction or adjustment items set out in paragraph 2.13.5 such that the resultant planning obligations are below the level needed to fully fund or provide the Strategic Infrastructure and local infrastructure requirements for the allocation area or to comply with Local Plan policy requirements, the relevant Local Planning Authority will require a viability review of the relevant development with an updated FVA to be provided at appropriate intervals to determine whether greater or full compliance with this SPD, the EMF IDP and the Local Plan policy requirements can be achieved throughout the carrying out of the relevant development proposal.

APPENDIX 1 - EMIP TAX SITE PLAN



APPENDIX 2 - EMAGIC TAX SITE PLAN



APPENDIX 3 - RATCLIFFE TAX SITE PLAN



APPENDIX 4 – PLAN SHOWING AREA TO WHICH THIS SPD APPLIES

