



Rushcliffe Borough Council

# Planning and your role as Parish Councillor

RBC Parish Conference November 2023



**RUSHCLIFFE - GREAT PLACE - GREAT LIFESTYLE - GREAT SPORT**

# Welcome

- Planning – sits within the Development Management and Economic Growth Service.
- Two teams – Development Management and Planning Policy
- Key People:
  - Leanne Ashmore – Director
  - Helen Knott – Service Manager – Planning (currently on Maternity Leave)
  - Emily Dodd – Planning Manager – Development
  - Richard Mapletoft – Planning Policy Manager

# Agenda for Today

- Greater Nottingham Strategic Plan – Richard Mapletoft
- Ratcliffe on Soar Local Development Order – Richard Mapletoft
- Development Management (DM) – Phil Cook/Charlotte Thompson/Steven Bridges.
- CIL/S106 Overview – Matthew Sawyer
- Update on Conservation Area Appraisal reviews – Andrew Langley
- Enforcement Overview – James Bate



Rushcliffe Borough Council

# Greater Nottingham Strategic Plan & Ratcliffe on Soar Local Development Order

Richard Mapletoft,  
Planning Policy Manager

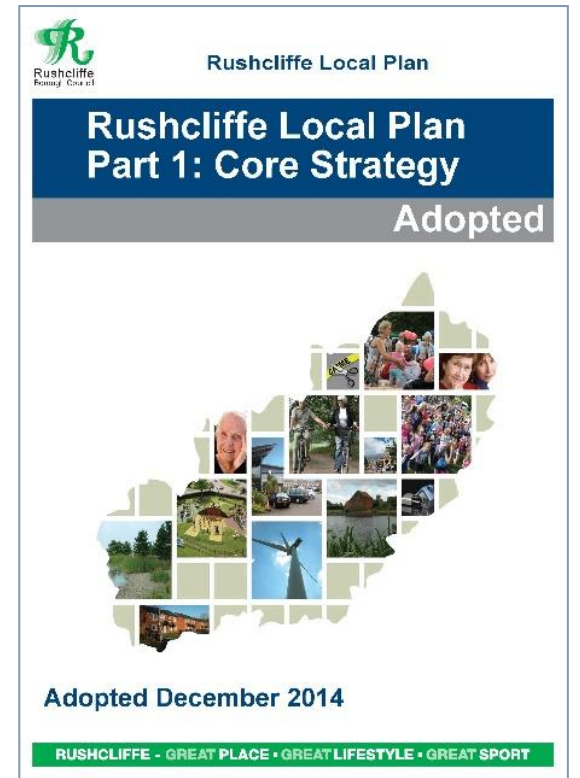
November 2023



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# Greater Nottingham Strategic Plan - Background

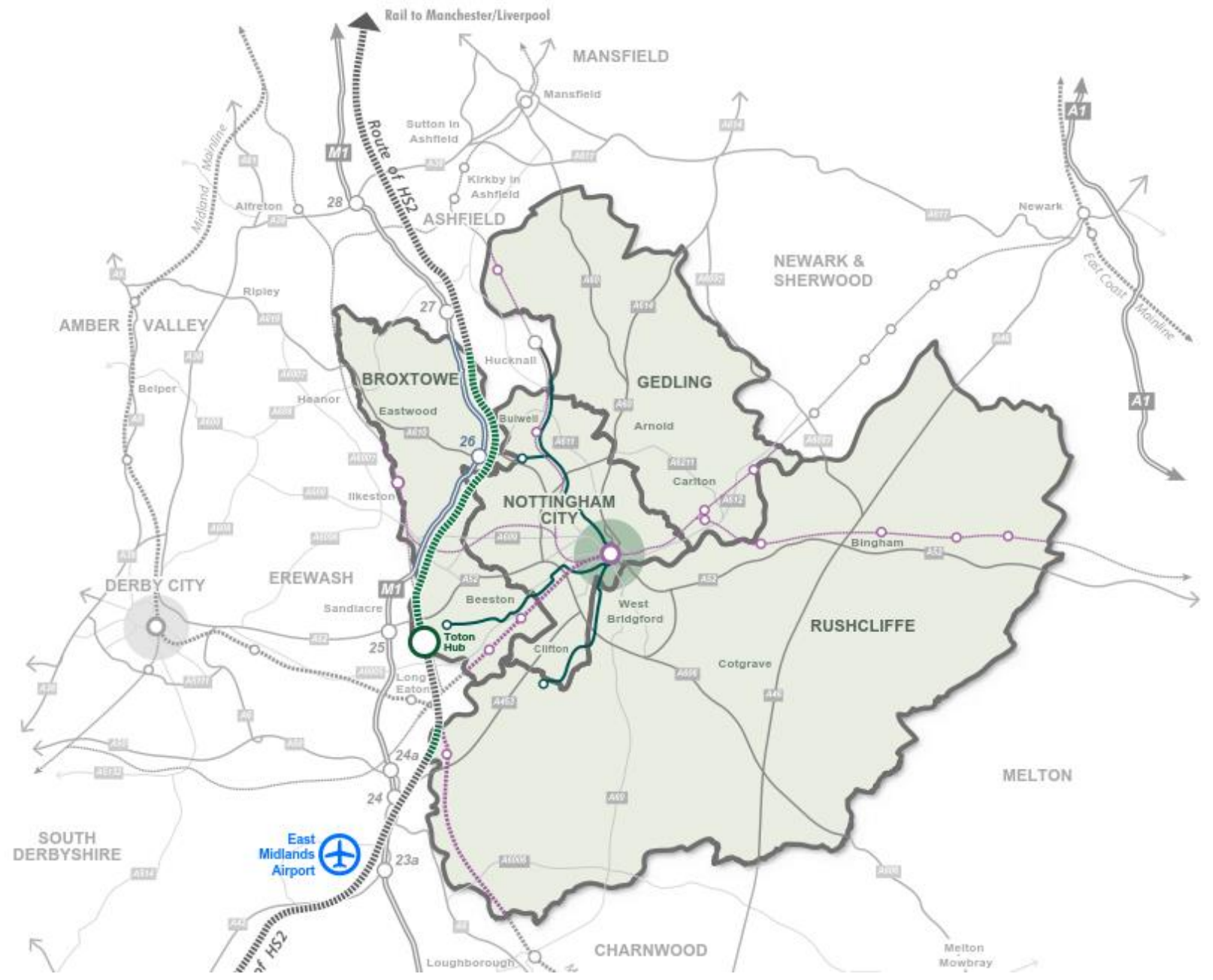
- **Rushcliffe Local Plan Part 1 (Core Strategy)** adopted 2014 (as were other Greater Nottingham Core Strategies)
- **Greater Nottingham Strategic Plan (GNSP)** to replace Core Strategies
- GNSP jointly prepared by Rushcliffe, Broxtowe, Gedling and Nottingham City
- Current plan period ends 2028. GNSP will extend it to 2038
- Sets new housing and employment land targets for each authority and broad distribution of development



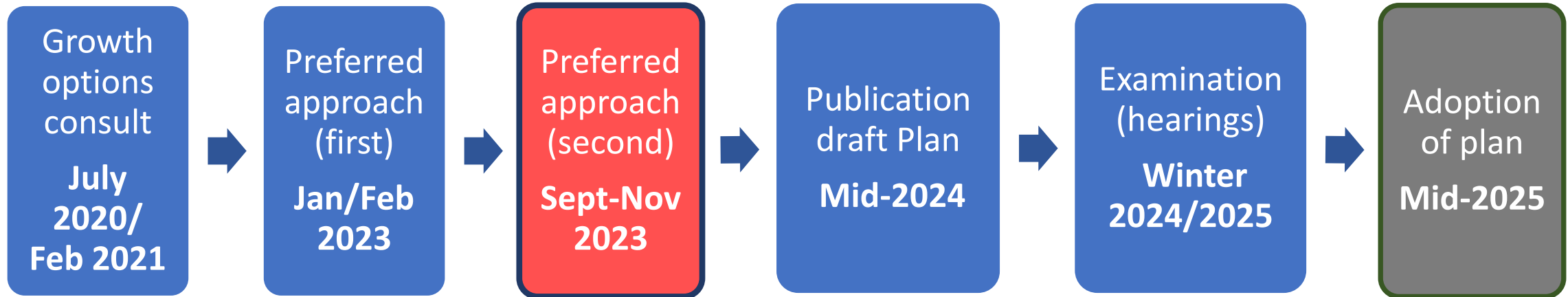
# Strategic Plan area

## KEY

-  Strategic Plan area
-  City Centres
-  Major Road Network
-  Motorways
-  Rail Network
-  East Midlands Airport
-  Tram (NET)
-  Proposed HS2 Route



# GNSP indicative timetable



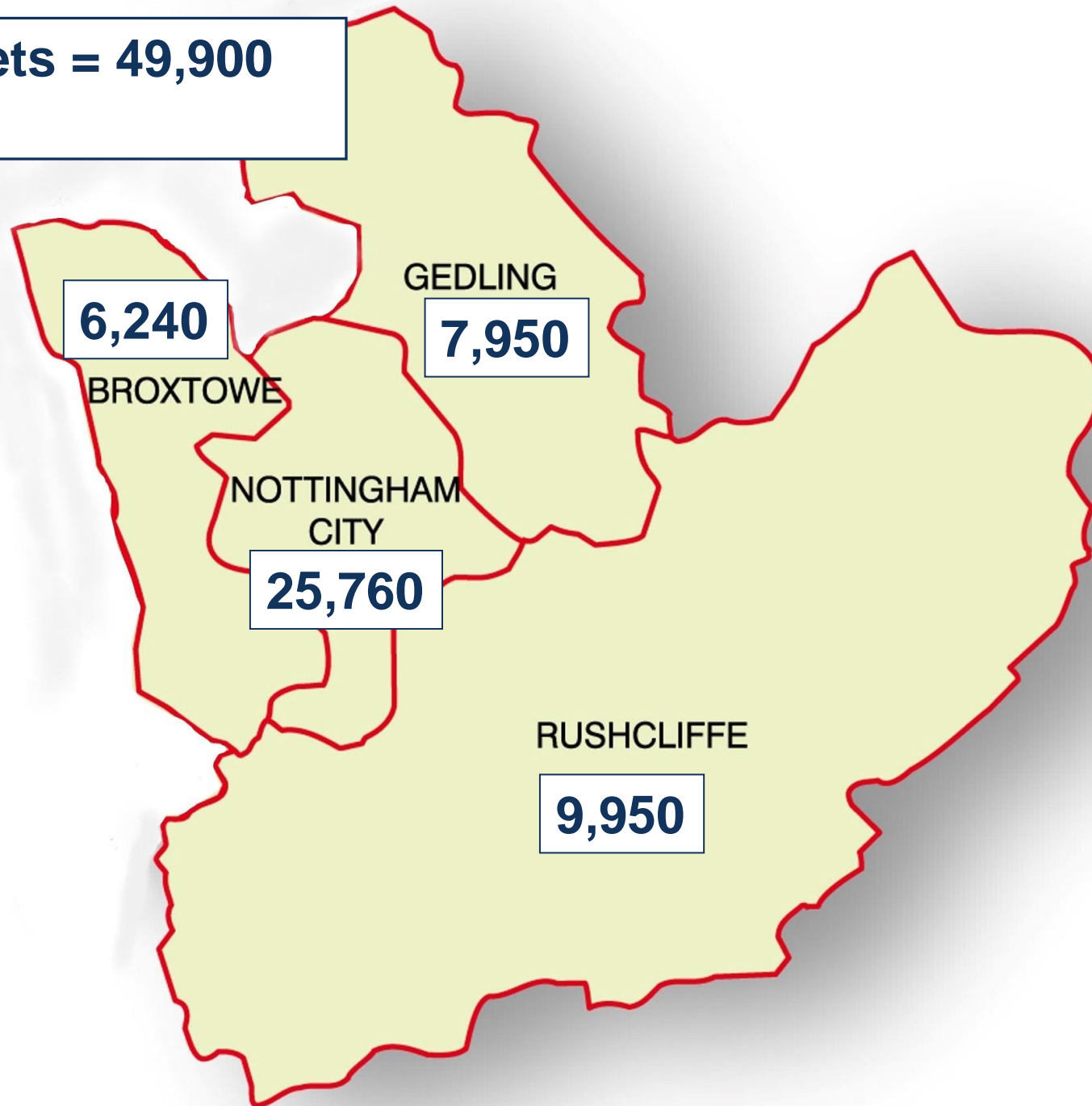
# Strategic Plan – Vision

- Focus for growth – Nottingham urban area
- Then Key Settlements across the plan area (Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent & Ruddington within Rushcliffe)
- Finally, small scale development in other villages
- GNSP also supports economic development potential of key sites, including:
  - Ratcliffe on Soar Power Station (Rushcliffe)
  - Toton (within Broxtowe)
  - Wider Broad Marsh area (Nottingham City)

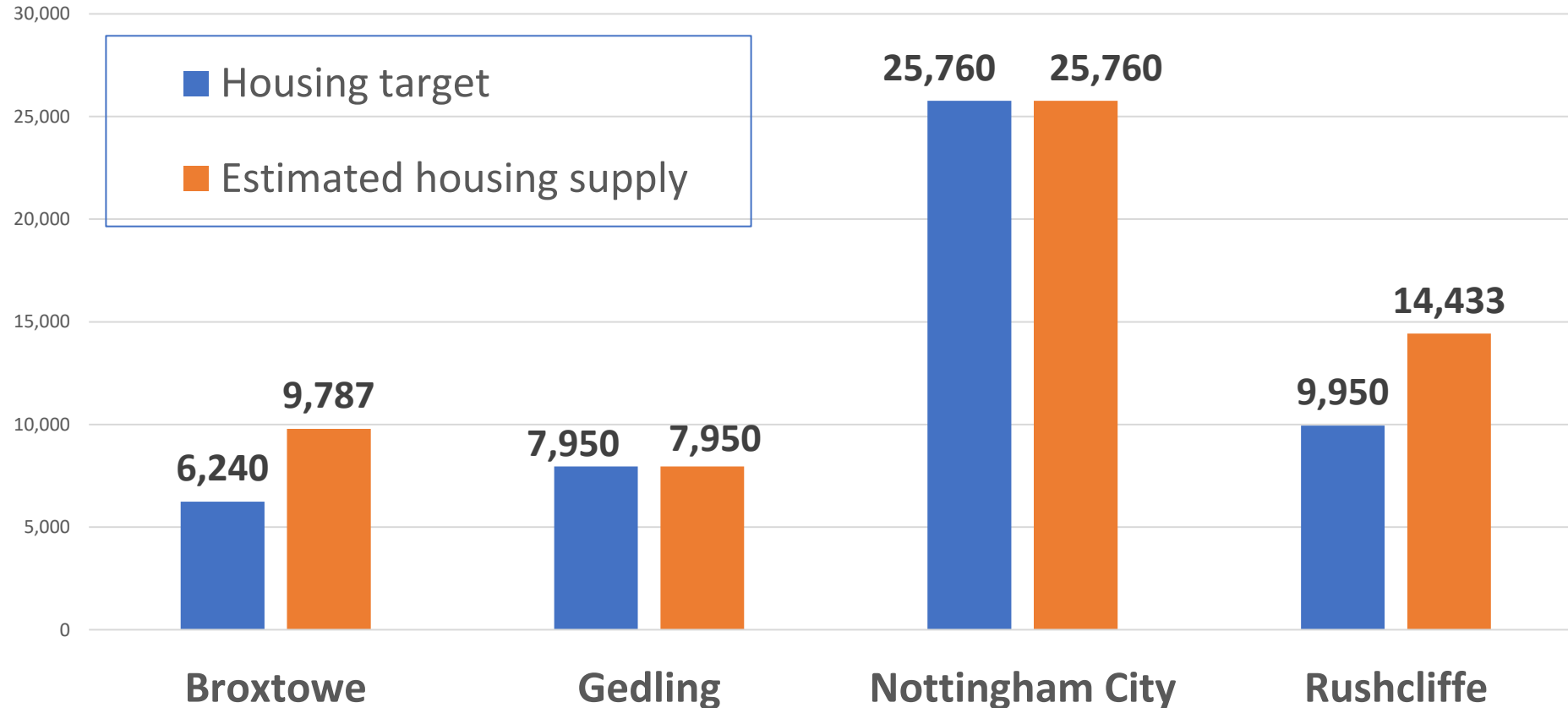




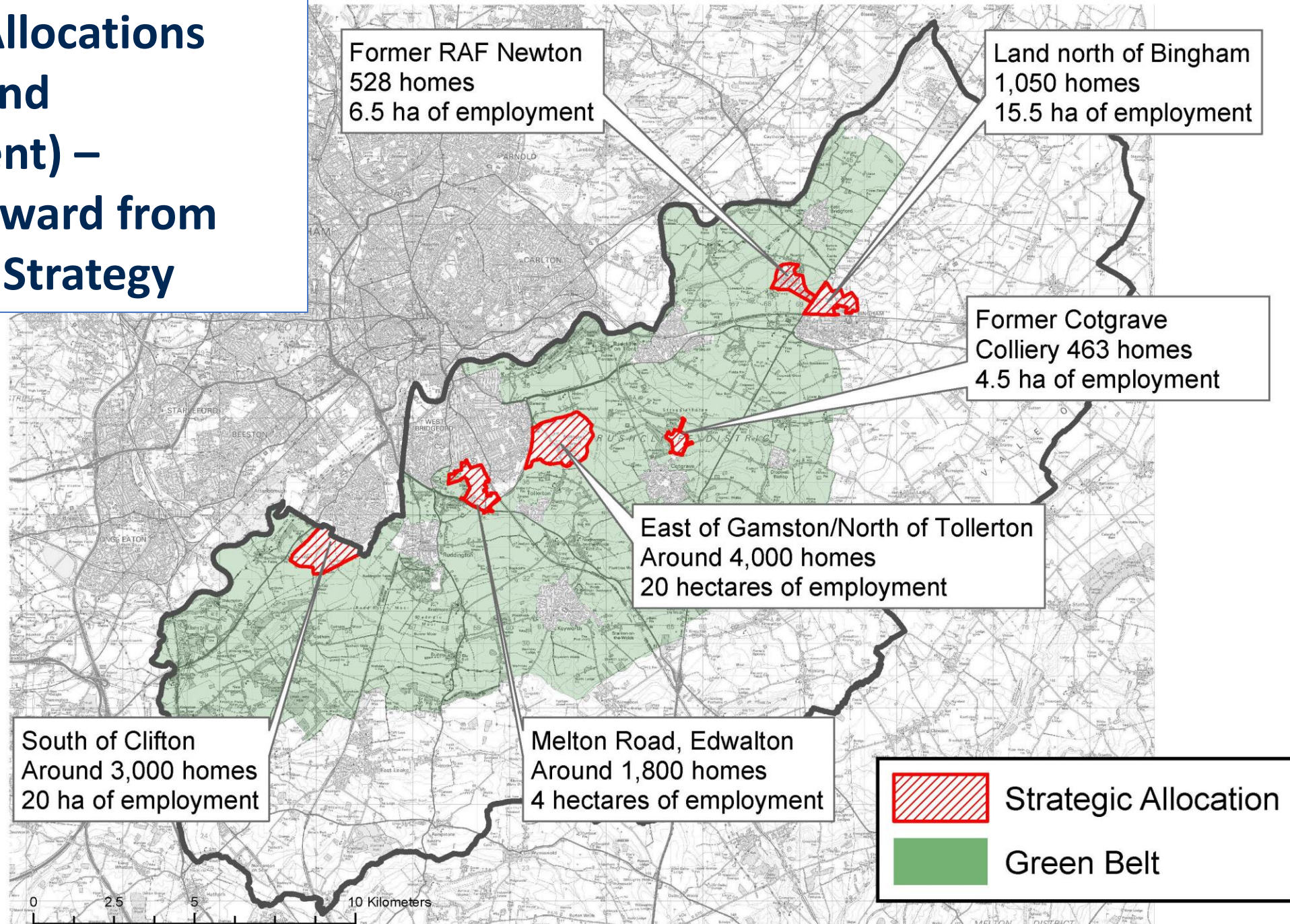
**Draft housing targets = 49,900  
homes (2022-38)**



# Housing targets versus existing housing supply – 2022-2038



# Strategic Allocations (housing and employment) – carried forward from 2014 Core Strategy



# Strategic allocation – Fairham Pastures (land south of Clifton)



- Planning permission for around 3,000 homes
- Housing construction started
- 20 hectares of employment land, delivery underway



# Strategic allocation – Melton Road, Edwalton (Sharphill)



- Around 1,800 new homes
- 1,271 homes built (31<sup>st</sup> March 2023)
- 4 hectares of employment related development, delivery underway

# Strategic allocation – east of Gamston/north of Tollerton



- Around 4,000 new homes
- 20 hectares of employment land
- Development framework/masterplan is being prepared
- Planning applications are being submitted

# Strategic allocation – former Cotgrave Colliery



- 463 homes already built
- 4.5 hectares of employment land, with part still to be delivered



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# Strategic allocation – land north of Bingham



- Planning permission for 1,050 homes
- 429 homes built (31<sup>st</sup> March 2023)
- 15.5 hectares of employment land



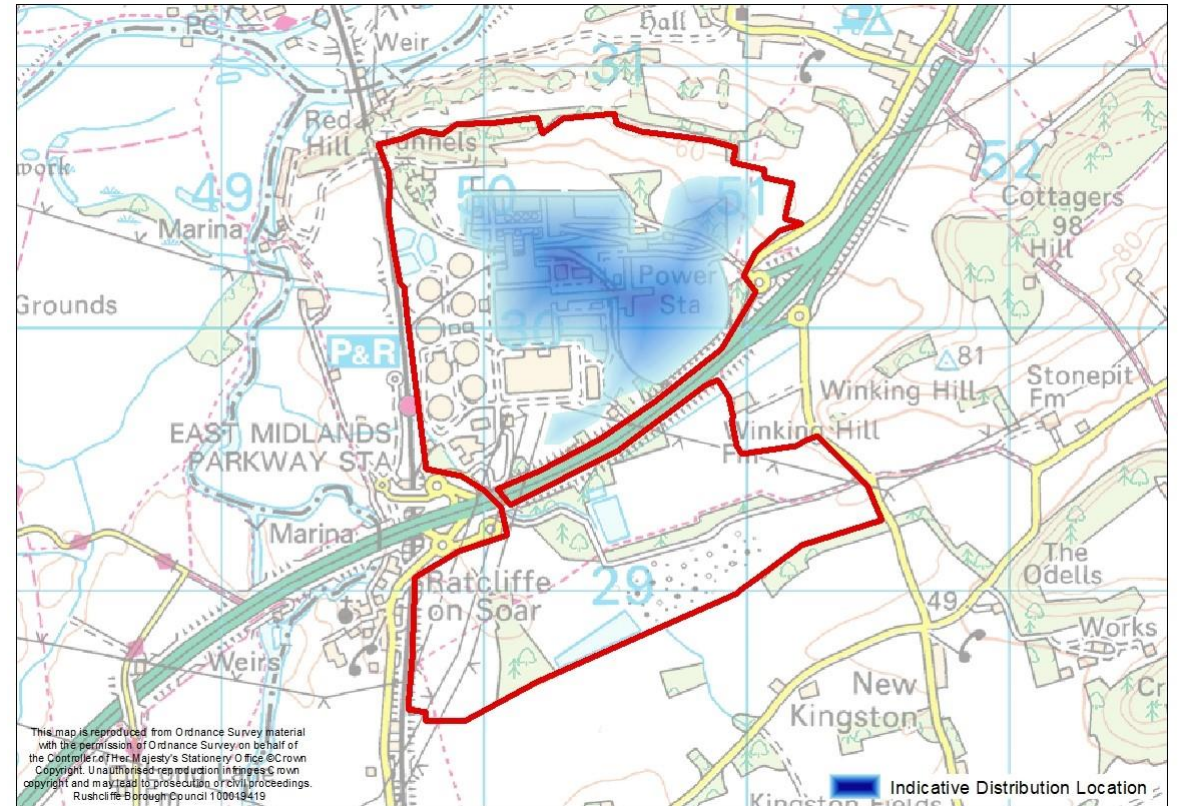
# Strategic allocation – former RAF Newton



- Planning permission for 528 homes
- 115 homes built (31<sup>st</sup> March 2023)
- 6.5 hectares of employment land

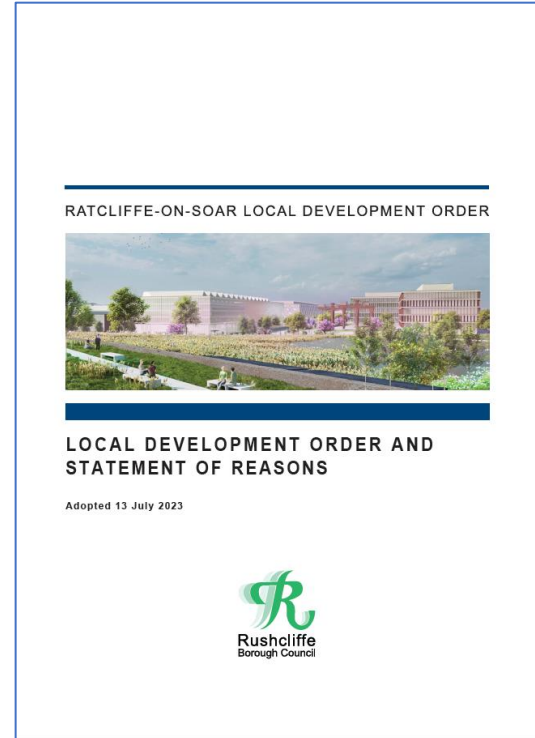
# Employment sites – Ratcliffe on Soar Power Station

- Proposed new allocation for employment development
- Including up to 180,000 m<sup>2</sup> of logistics/distribution
- Site will be taken out of the Green Belt



# Ratcliffe on Soar Local Development Order

- **LDO approved** by RBC – 13 July 2023
- **Order grants planning permission** for **810,000 m<sup>2</sup>** employment floorspace and related development
- Permission granted subject to conditions and other requirements within LDO
- Main power plant due to **close by October 2024**
- Site part of East Midlands Freeport – new development to be operational end September 2026 to **qualify for full Freeport benefits**
- **Currently no approved detailed schemes** (apart from the EMERGE energy from waste plant)





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# Vision and development zones

## Vision – zero carbon technology and energy hub for the East Midlands

### North: New energy zone

- Energy, logistics, data centres
- EMERGE Centre – planning approval granted in 2021 (subject to completion of Section 106 legal agreement)



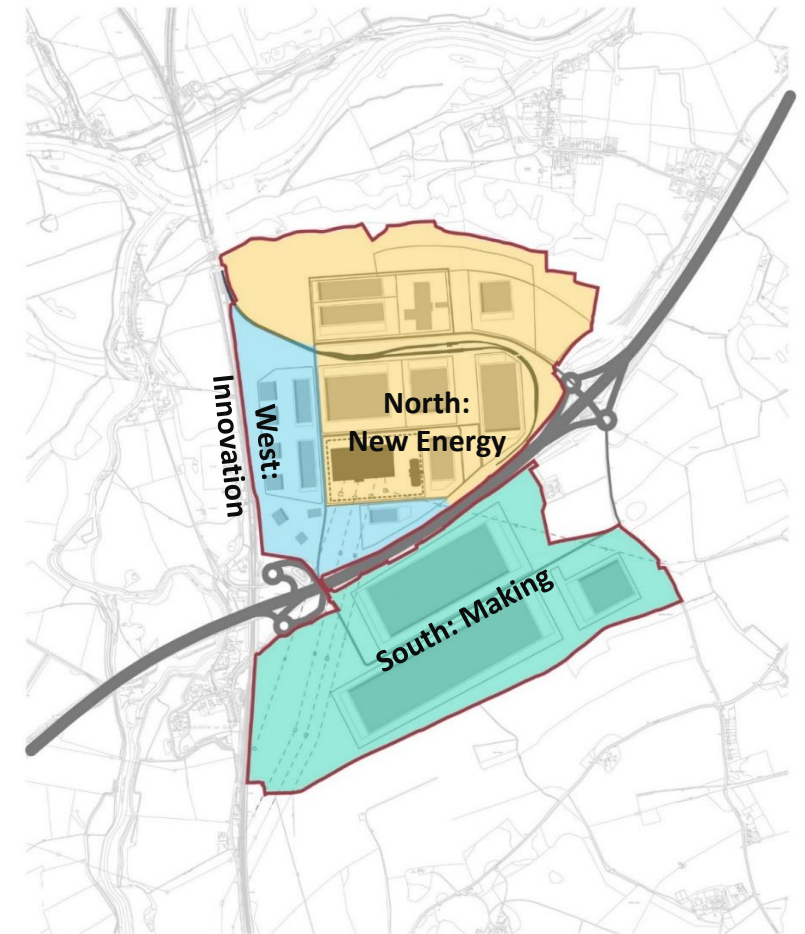
### West: Innovation campus

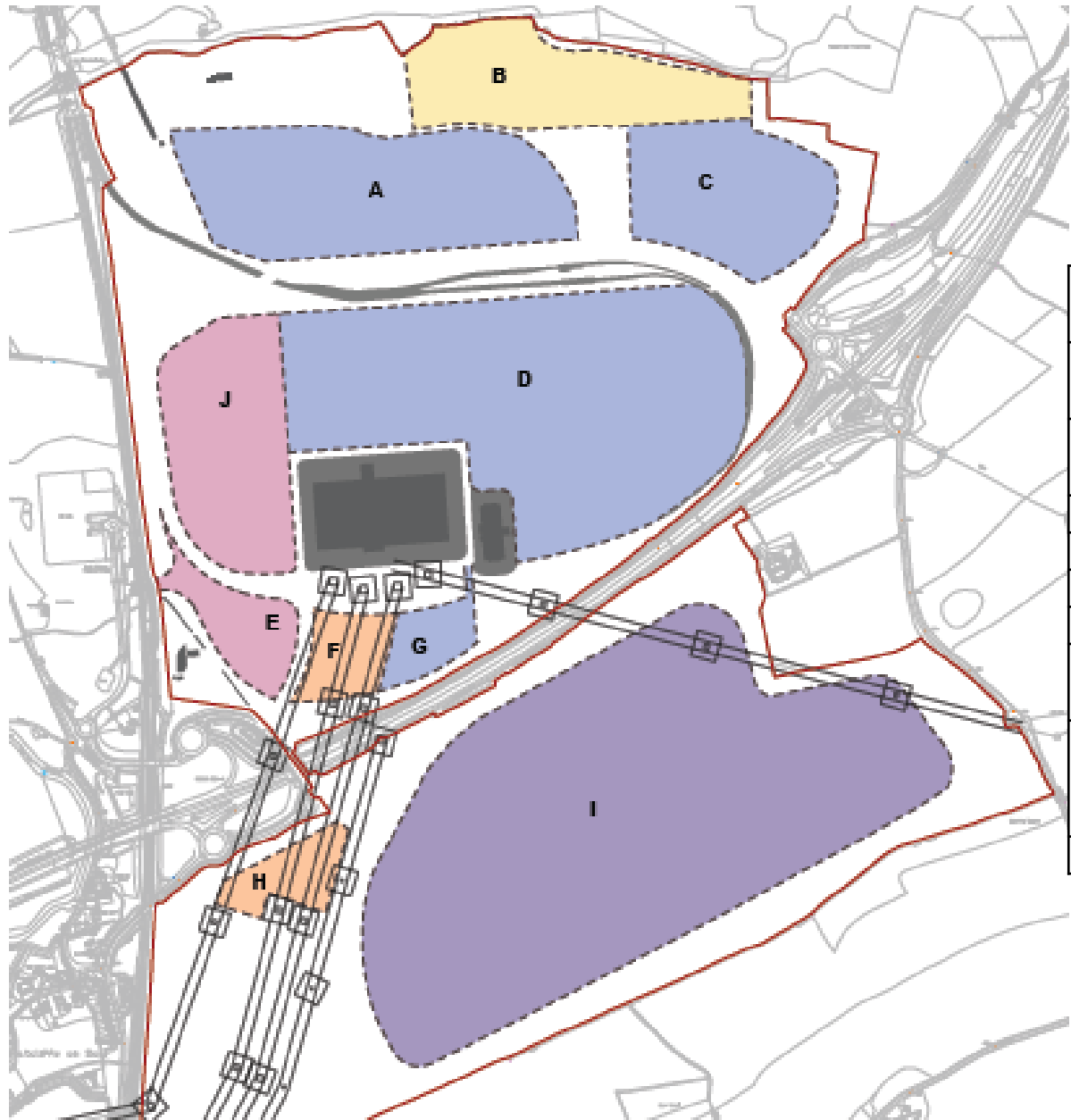
- Research & development, innovation hubs, offices, training, battery storage, transport hub



### South: Making district

- Advanced manufacturing, energy, data centres





# Permitted Uses Parameters

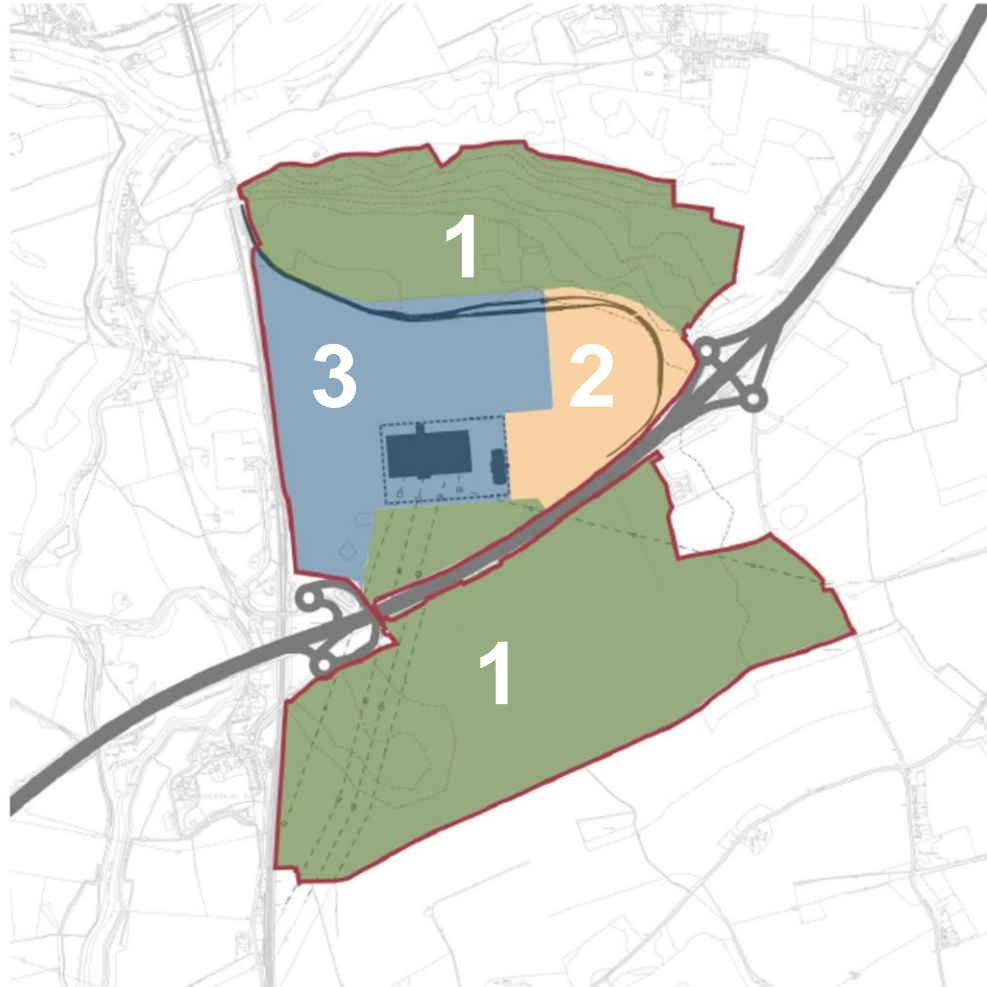
	A	B	C	D	E	F	G	H	I	J
Energy storage and distribution	Blue		Blue	Blue	Pink		Blue		Purple	Pink
Ground mounted Solar PV Power Generation		Yellow								
Advanced manufacturing & Industrial	Blue		Blue	Blue	Pink		Blue		Purple	Pink
Data Centres	Blue		Blue	Blue	Pink		Blue			Pink
Logistics	Blue		Blue	Blue			Blue			
Research & Development	Blue		Blue	Blue	Pink		Blue			Pink
Offices					Pink					Pink
Education, skills and training	Blue		Blue	Blue	Pink		Blue			Pink
Community Hub with complementary uses for the site					Pink					Pink
Car parking only						Orange		Orange		

# LDO implementation



- **Certificate of Compliance Applications** have to be submitted and approved before specific developments can go ahead
- LDO has **25 year lifespan**
- LDO **review points** at 3 years (July 2026) and then every 5 years (but can be modified or revoked at any point)

# Land release and delivery



Indicative phasing plan

**Release 1: 2023/2024+**  
Undeveloped areas

**Release 2: 2024+**  
Coal Stockpile

**Release 3: 2025+**  
Generation builds and  
cooling towers

# Questions?



# An Introduction to Development Management

# Aims for today

- To explain how to respond to consultations on planning applications and other types of application
- Planning Bitesize
  - Different types of application
  - How applications are determined
  - What you can consider as a material planning consideration (Exercise)
- CIL/S106 Overview
- Update on Conservation Area Appraisal reviews
- Enforcement Overview

# Purpose of Planning



“ The Purpose of planning is to contribute to the achievement of sustainable development. At a very high level, the objectives of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

.....

“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development”

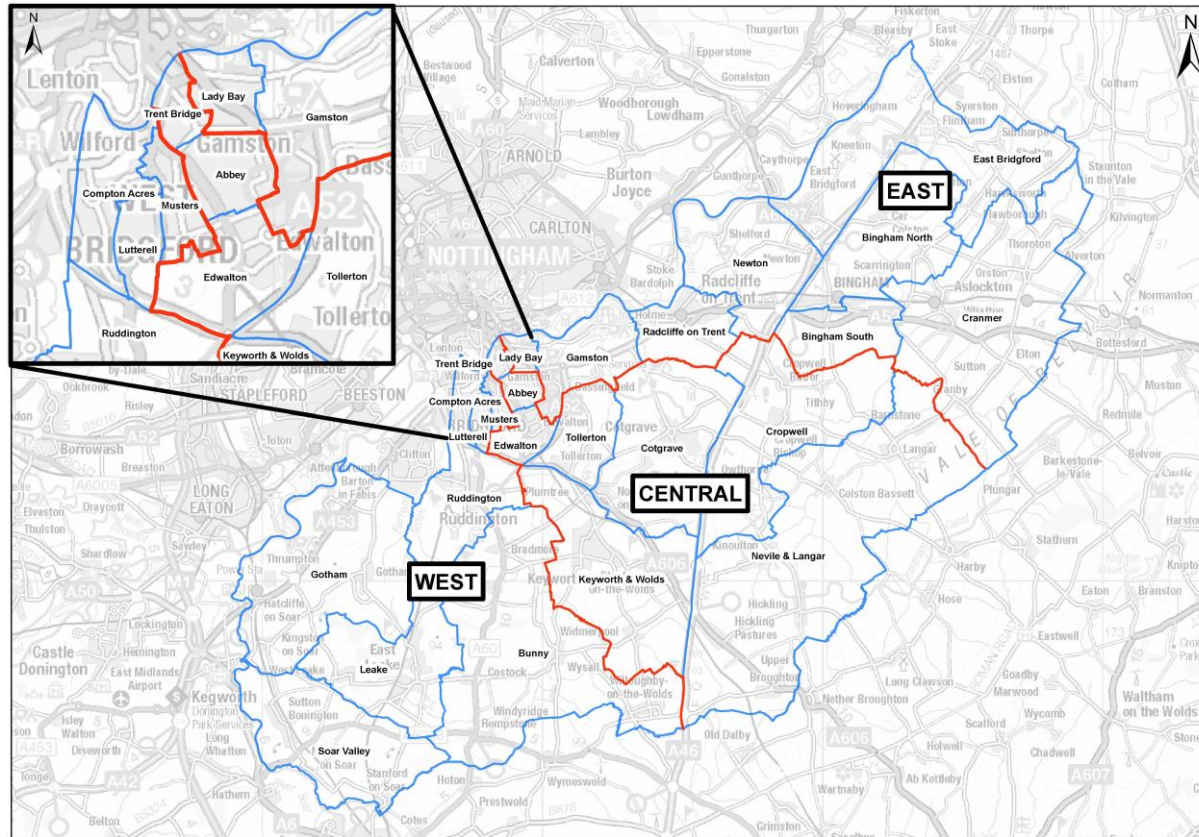
Planning can be operational development or land use -

- **Operational development** – an extension to an existing building, a new building, erection of a wall or fence
- **Land Use** – change of use from a dwelling to a dentist surgery

# Development Management (DM) team Role and Structure

- Development Management team assesses and determines planning applications, pre-application enquiries, appeals and also deals with Conservation matters, Enforcement issues and Section 106/CIL.
- Split into three area teams plus a fourth team dealing with Enforcement, Conservation and CIL/S106

# Borough split



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1:110,000

Planning Areas Map

# Types of Planning Applications

- **Outline** – seeks to consider the ‘principle’ whilst leaving the details for subsequent consideration.
- **Full** – a complete application containing all the relevant details of the development or for a change of use. (Including Householder applications)
- **Reserved Matters** – the second part of the outline that allows for the details to be considered.
- **Listed Building Consent** – detailed applications controlling alterations to listed buildings (both internally and externally) and their settings.
- **Other** applications – Prior Notifications; Prior Approvals; TPO’s; Adverts, Relevant Demolition , Lawful Development Certificates, Non Material amendments, Variation of conditions, Hybrid

# Stages in the planning application process

1. Pre-application discussions/consultation (optional)
2. Submit planning application
3. Check if valid
4. Notification and consultation with community and statutory consultees
5. Site Visit
6. Amendments to application (if necessary)
7. Re -consultation (if necessary)
8. Determination of application
9. Decision
10. Option to appeal decision



## Post submission

- Discharge of conditions
- Non-material amendments
- Minor Material amendments (S73)

# Representations Received about Planning Applications

- We all know that ‘Controversial’ Planning Proposals can generate very significant numbers of representations – letters/emails/petitions/action groups etc.
- A higher number of representations does not make a difference in how the application is determined and does not trigger committee
- But to carry weight in the planning decision the representations received must be based upon/evidenced by relevant material planning considerations.
- One representation on a material planning ground is worth more than 100 representations regarding non-material matters



# Material Planning Considerations

- What do you think is a material planning consideration?
- Exercise on tables (5mins)



# Material Planning Considerations - Policy

- The Development Plan – the starting point is the Local Plan, at Rushcliffe this is in two parts
  - Core Strategy
  - Land and Development policies
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Neighbourhood plans
- Conservation Area Appraisals
- SPDs



# Material Planning Considerations

- Highway safety
- Flood risk
- Appearance and design
- Noise and disturbance
- Loss of light/sunlight
- Scale and dominance
- Archaeology
- Impact on heritage assets
- Sustainability
- Nature conservation & Ecology
- Privacy
- Impact on community & other services
- Impact on character of the Area
- Loss of trees & landscape impacts
- Parking & highway safety
- Fall back position - extant planning permissions



# Not Material Considerations

- Business competition
- “Too many already”
- Loss of views
- Issues where other legislative controls exist
- Devaluation of property
- Covenants & other private issues
- Maintenance of property
- “We don’t like it”
- Number of objections



# Conditions and reasons

- Conditions can be attached to any grant of planning permission, listed building consent, or consent for works to protected trees
  - Conditions are typically used to:
    - Secure additional detailed information
    - To secure retention, or delivery, of landscaping or screening features
    - To withhold or revoke classes of Permitted Development rights where appropriate or necessary
    - To require implementation of some elements of a scheme – such as provision of parking or access etc
- Conditions Must Be:
- 1—Necessary
  - 2—Relevant to planning
  - 3—Relevant to the development to be permitted
  - 4—Enforceable
  - 5—Precise
  - 6—Reasonable in all other respects
- Any condition which fails to meet all of the other 5 tests will also be unenforceable through test 4

# Reasons for refusal

- NPPF para 38

*“Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

- Reasons for refusal need to be justified on planning grounds
  - Material planning considerations
  - Backed up by policy
  - ‘not been adequately demonstrated’ reasons
  - Remember – quality of decisions is measured on appeal overturns. There are also risks of costs at appeal for unreasonable behaviour

# Challenging Planning Decisions

- Only Applicants can appeal against the decisions/the actions of the LPA.
- The planning system only allows for disaffected applicants to pursue a planning appeal – there are NO 3<sup>rd</sup> party rights of appeal in England, but can be challenged through the courts (Judicial Review)
- Appeals – can be determined in Writing; at a Hearing; or at a Public Inquiry - with different approaches applying to each process (Appellants can request a procedure but the Inspectorate determine).
- Appeal costs can be awarded by the Inspectorate against any party which/when it can be proved has acted ‘unreasonably’.
- No third party right of appeal but can be challenged through the court via Judicial Review.

# Community Infrastructure Levy

- The Community Infrastructure Levy (CIL) is a charge which LPAs can choose to levy to help fund infrastructure projects in support of new development
- Charged on certain types of development based upon an amount per square metre of internal floor area
- Applies to all scales of development, from single dwellings up to large housing estates
- Subject to a number of forms of relief/exemption (Exemption for Self-Build Housing, Social Housing Relief, and Residential Extensions Exemption)
- Bought into force for Rushcliffe on 7 October 2019



# S106/CIL

Section 106 Planning Obligations	Community Infrastructure Levy
To mitigate site-specific impact of individual developments	To mitigate cumulative impact of development across the whole Borough
Negotiable, with financial contributions subject to viability and based on need identified during planning application	Non-negotiable, with charging rates set based on infrastructure and viability evidence supporting adoption of levy
Can be secured towards all types of infrastructure, provided obligation complies with the three tests	Restricted to specific types of infrastructure identified in published infrastructure list
Individual contributions tied to specific works and subject to time limit for use	CIL receipts can be spent more flexibly, with no time limit for use of funds
Generally only sought from larger/major development sites	Applies to all scales of development, including single dwellings

# Additional Strategic CIL

- An additional 10% of Strategic CIL collected in areas without a Neighbourhood Plan is reserved by RBC to apply towards projects within that Parish area
- This Supplementary CIL can only be used towards the types of infrastructure identified within the Borough Council's published Infrastructure List
- Local Councils should explore the use of their statutory Neighbourhood CIL funding in the first instance, and then consider what Supplementary CIL they may need to deliver the desired local projects
- May instead support projects being delivered by other bodies/agencies (where such projects would help the growth and development of their area)



# Conservation Area Review Update

- Andrew Langley, MArch, PhD
- Project Officer for Conservation Area Review
- Email: [alangley@rushcliffe.gov.uk](mailto:alangley@rushcliffe.gov.uk)
- Phone: 01159148597

*“If you want to go fast, go alone  
If you want to go far, go together”*

African Proverb about the value of Community



**Conservation areas exist to manage and protect the special architectural and historic interest of a place - in other words, the features that make it unique.**

East Leake  
Aslockton  
Bingham  
Keyworth  
Wysall  
Cropwell Butler  
Wiverton  
Edwalton  
Car Colston

Bunny  
Granby  
Kneeton  
Normanton on the Wolds  
Upper Broughton  
Whatton in the Vale  
Hawksworth  
Thrumpton  
Orston  
Colston Bassett

Hickling  
Bradmore  
Flintham  
West Leake  
Ruddington  
East Bridgford  
Sutton Bonington  
Thoroton  
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Scarrington  
Langar

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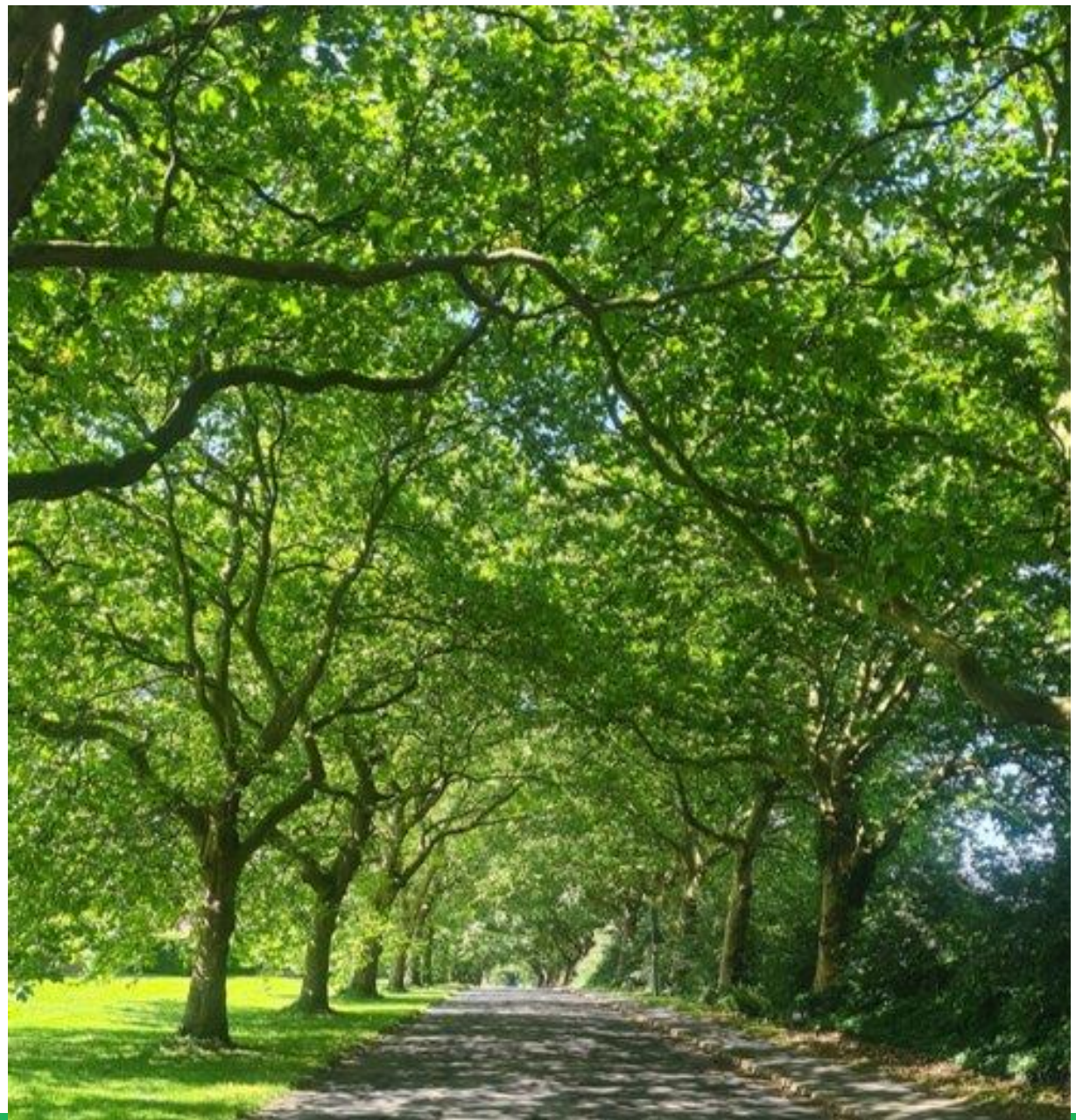


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- **Let's continue to document the special historic and architectural interest, together.**

Email: [alangley@rushcliffe.gov.uk](mailto:alangley@rushcliffe.gov.uk) Phone: 01159148597



# Enforcement

- Development without planning permission is not a criminal offence (there are some exceptions.)
- Breach of Planning Control is
  - Carrying out development, or material change of use, without required planning permission
  - Failure to comply with any condition subject to which planning permission has been granted
- [www.rushcliffe.gov.uk/planningandgrowth/enforcement](http://www.rushcliffe.gov.uk/planningandgrowth/enforcement)
- James Bate – Team Manager Monitoring and Implementation
- Peter Muter – Senior Enforcement Officer – East Area Lead
- Gavin Treen – Interim Enforcement Officer – West Team Lead
- Geoff Woods (Joining the team 27<sup>th</sup> November 2023)

# Enforcement

- Driven by outcomes – best practice focuses on addressing / remedying the breach, not 'punishing' the landowner
- An enforcement notice takes 28 days to take effect and can be appealed, appeals can take lengthy periods and the notice does not take effect in the meantime
- Action is discretionary
- Action should be consistent and proportionate
- Not every technical breach needs to be addressed
- Communication is key – direct with the team and through Portfolio Holder
- Action can only be taken against the landowner – where there is ownership dispute this limits effective enforcement options or makes enforcement unhelpful



# Enforcement

- We rely upon reports of activity from local residents as well as local businesses, public bodies and elected representatives.
- It is also sometimes necessary to ask local residents to provide evidence of a breach of record a pattern of a breach over time
- If you are in doubt about whether something needs/has planning permission please raise it with us and we can investigate.
- Permitted Development Rights are fairly extensive and are often widened further – it is often surprising what can be done without the need for a planning application.
- Things that do not need a planning application cannot be enforced against.

# Enforcement and Protected Species

- When we consider planning applications a protected species survey may be required to demonstrate that a development does not harm protected species
- Where work does not require planning permission it might still affect protected species – but that doesn't mean it needs permission
- Wildlife Crime is addressed by Natural England or the Police – such issues should be reported to them as the correct authority – reporting wildlife crime to RBC only delays the matter reaching the proper authority

# Questions





# Conclusion

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