

Title of Report	EAST MIDLANDS FREEPORT STRATEGIC INFRASTRUCTURE AND CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)	
Presented by	Councillor Tony Saffell Planning Portfolio Holder PH Briefed <input type="checkbox" value="Y"/>	
Background Papers	Local Plan Committee Report 20th March	Public Report: Yes
		Key Decision: Yes
Financial Implications	This report has no direct financial implications.	
	Signed off by the Acting Section 151 Officer: Yes	
Legal Implications	The preparation and adoption of the Supplementary Planning Document (SPD) must comply with the Town and Country Planning (Local Planning) (England) Regulations 2012. The SPD must be consistent with the adopted development plan and cannot introduce new policy but may provide guidance to support existing policies.	
	Signed off by the Deputy Monitoring Officer: Yes	
Staffing and Corporate Implications	There are no direct staffing or corporate implications.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To update Cabinet on the preparation of the East Midlands Freeport Strategic Infrastructure and Contributions SPD and the outcome of public consultation held between March and April 2026. To present a revised East Midlands Freeport Strategic Infrastructure and Contributions SPD for consideration, with a recommendation that the Local Plan Committee adopts the SPD.	
Reason for Decision	The Council’s Constitution (Part 2, Section D5, paragraph 2.2.1) requires the Local Plan Committee to receive reports from Cabinet on proposed SPDs.	
Recommendations	THAT CABINET: 1. SUPPORTS THE PROPOSED REVISIONS TO THE DRAFT EAST MIDLANDS FREEPORT STRATEGIC	

	<p style="text-align: center;">INFRASTRUCTURE AND CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT;</p> <p>2. RECOMMENDS THAT, SUBJECT TO NO MATERIAL COMMENTS BEING RECEIVED FROM THE STATUTORY CONSULTATION BODIES ON THE SCREENING REPORT FOR STRATEGIC ENVIRONMENTAL ASSESSMENT AND HABITATS ASSESSMENT, THE LOCAL PLAN COMMITTEE ADOPTS THE EAST MIDLANDS FREEPORT STRATEGIC INFRASTRUCTURE AND CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (APPENDIX B); AND</p> <p>3. DELEGATES AUTHORITY TO THE STRATEGIC DIRECTOR OF PLACE TO REVIEW AND RECOMMEND ANY MINOR MODIFICATIONS TO THE FINAL DRAFT EAST MIDLANDS FREEPORT STRATEGIC INFRASTRUCTURE AND CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT PRIOR TO ADOPTION AT LOCAL PLAN COMMITTEE.</p>
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1.0 BACKGROUND

- 1.1 The principal purpose of the East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document ('the SPD') is to support the coordinated and collaborative delivery and funding of the strategic transport infrastructure required for the development of the three East Midlands Freeport ('EMF') sites. Development on the EMF sites, together with development on strategic allocation sites and other major development sites adjacent to or outside the EMF sites in Rushcliffe Borough, North West Leicestershire District and South Derbyshire District that are unlocked by, or would significantly benefit from, this infrastructure (referred to collectively, with the EMF sites, as 'the SPD Sites'), will be expected to contribute towards that infrastructure on an equitable and proportionate basis.
- 1.2 The evidence underpinning the SPD, alongside work that will be developed further through the EMF Infrastructure Delivery Plan ('IDP') process and through assessments accompanying relevant planning or consenting applications, establishes the in-principle need for pooled contributions, which may include works in kind. Further highways modelling is continuing and will inform the EMF IDP, which will be subject of public consultation, in due course.
- 1.3 Members are advised that the Council has been working with the EMF and the other Local Planning Authorities and County Authorities within which the EMF sites are located, to prepare and adopt the SPD.
- 1.4 The SPD has been prepared on a collaborative basis with the Freeport and their appointed consultants for the three local planning authorities for the EMF sites – the Council, Rushcliffe Borough, and South Derbyshire District (the 'Local Planning Authorities') with the intention (subject to necessary approvals) that all three Local Planning Authorities adopt the SPD by 30 June 2026. There is a cut-off date for the adoption of SPDs of 30 June 2026 – beyond that date it is not possible for local planning authorities to adopt an SPD. This has

been confirmed in the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026, (Schedule 1, paragraph 6), which came into force on 25 March 2026. The cut-off date for the adoption of SPDs is part of the transition to a new plan-making system. In the event that one of the other Local Planning Authorities does not adopt the SPD then the Council will review their position as regards the SPD.

- 1.5 This report recommends to Members that the draft East Midlands Freeport Strategic Infrastructure and Contributions SPD (at Appendix B) is adopted. Once adopted, it will form a material consideration in the determination of relevant planning applications in the District, and the weight it is expected to carry in advance of the EMF IDP being published and endorsed by the Council is set out in paragraph 2.3 below.

2.0 THE EAST MIDLANDS FREEPORT STRATEGIC INFRASTRUCTURE AND CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT

- 2.1 If adopted, the SPD will help ensure the coordinated and collaborative delivery and funding of the strategic transport infrastructure needed to support development of the three EMF sites and help ensure that all schemes coming forward on the EMF sites and other SPD Sites contribute towards that strategic infrastructure on an equitable and proportionate basis.
- 2.2 The SPD envisages a mechanism (a framework section 106 agreement) to coordinate the funding and delivery of this strategic transport infrastructure from multiple sites through the planning process, as and when those sites come forward for development. The evidential work underpinning the draft SPD establishes the need for shared infrastructure pooled contributions from multiple sites. Ongoing highways modelling and evidence work is also being carried out in order to inform an EMF IDP in due course which will supplement the SPD and provide greater detail on the strategic infrastructure, estimated costings, SPD Sites and where possible timescales for delivery and delivery bodies. The EMF IDP will be the subject of further public consultation, once available, which it is anticipated to be towards the end of 2026/early 2027. Following public consultation, it is expected that the Council (and other Local Planning Authorities) will ask their respective appropriate Committee and/or Cabinet to endorse the final EMF IDP before it is published and used for the purpose set out in the SPD.
- 2.3 The SPD makes it clear that it is not part of the development plan and is not development plan policy. From the date of its adoption, the SPD is a material planning consideration in planning determinations under the Planning Acts (as defined in the Town and Country Planning Act 1990) and any other relevant planning decision in relation to the SPD Sites. However, at the date of adoption of this SPD, the EMF IDP will not yet have been issued for public consultation, published or endorsed by the Council, and therefore the detail of the strategic infrastructure required will not have been established. The SPD includes a statement that until such time as the EMF IDP has, following public consultation, been published and endorsed by the Council, only limited weight should be given to the SPD as a material planning consideration by the Council. However, 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 the SPD at the date of adoption. It will, therefore, carry weight as a material planning consideration in that regard from the date of adoption. This is relevant to the Council and other Local Planning Authorities’ application of Section 38(6) of the Planning and Compulsory Purchase Act 2004, which provides that in determining planning applications the determination must be made in accordance with the development plan, unless material considerations indicate otherwise.

2.4 As referred to above, adoption of the SPD cannot be deferred beyond 30 June 2026 and it is, therefore, not possible that adoption of the SPD be delayed until the EMF IDP has been prepared as this would not be possible. Beyond 30 June 2026, as part of the move towards a new plan-making system, it is envisaged that Supplementary Plans will be prepared and adopted by local planning authorities in place of SPDs. However, it is not yet clear that Supplementary Plans can be prepared pursuant to existing adopted plans or emerging 'old-style' local plans (such as the Council's emerging local plan will be) and in addition Supplementary Plans will be subject to a different adoption process, including independent public examination. On the basis that, that there is a need for pooled contributions towards certain strategic transport infrastructure, amongst other things, it is recommended that the SPD be adopted now, with the weight to be given to the SPD as a whole as a material planning consideration being adjusted pre- and post- endorsement of the EMF IDP by the Council as set out in paragraph 2.3 above.

3.0 CONSULTATION

3.1 The SPD was subject of a five-week public consultation running between 23 March 2026 to 27 April 2026.

3.2 The consultation responses were all considered carefully. The Statement of Consultation on the SPD (at Appendix A) sets out a summary of the responses received to that public consultation, outlines how the Council has considered the main issues raised and indicates where the SPD has been modified in response to the consultation comments received or due to other relevant matters.

3.3 As set out in the Statement of Consultation, 32 responses were received to the consultation from a broad range of stakeholders including statutory consultees, neighbouring Councils, landowners, promoters, housing and employment developers, local interest groups, local residents, Parish Councils and Borough and District Councillors.

3.4 Responses received typically supported the principle of what the SPD is trying to achieve. This notwithstanding, there were concerns raised focussed primarily on the perceived lack of evidence underpinning the SPD and the timing for the preparation of an IDP and how the IDP would be consulted on.

3.5 The Statement of Consultation sets out how the representations received have been responded to and in several cases, how the SPD has been amended to address the points raised. Of particular note, the SPD has been amended in the following respects:

- Text has been added (as referred to in paragraph 2.3 above) to make it clear that the SPD is not part of the development plan and not development plan policy. From the date of its adoption, the SPD will be a material planning consideration in planning determinations under the Planning Acts (as defined in the Town and Country Planning Act 1990) in relation to the SPD Sites (which have been clarified – see below). However, at the date of adoption of the SPD, the EMF IDP will not have been issued for public consultation, published or endorsed by the Local Planning Authorities, and therefore the detail of the Strategic Infrastructure required will not have been established. Until such time as the EMF IDP has, following public consultation, been published and endorsed by the Local Planning Authorities, only limited weight should be given to the SPD as a material planning consideration by the Local Planning Authorities. However, the "in principle" need for pooled contributions set out in this SPD (which may include works in kind in accordance with the SPD) in relation to Strategic Infrastructure has been established by the SPD at the date of adoption. It will, therefore, carry weight as a material planning consideration in that regard. This is relevant to the local planning authorities' application of Section 38(6)

of the Planning and Compulsory Purchase Act 2004, which provides that in determining planning applications the determination must be made in accordance with the development plan, unless material considerations indicate otherwise. Where reference is made in the SPD to something being 'required' or a 'requirement', that something 'will', 'must' or is 'expected' to be provided, then that must be understood in the context of this SPD being material planning consideration and not a development plan document (paragraph 1.17);

- Further clarification has been added in relation to the proposed EMF IDP, including:
 - that the EMF IDP will include estimated costs for identified strategic infrastructure, as well as (where possible) timescales for delivery and the body anticipated expecting to deliver each item (paragraph 1.7);
 - that the EMF IDP will be accompanied by an appropriate evidence base including viability evidence (paragraph 1.10);
 - that the basis on which contributions are sought will be considered as part of the IDP preparation (paragraph 2.9.1(d)); and
 - that the IDP will be the subject of public consultation, following which the IDP is expected to be endorsed by the respective appropriate committee and/or Cabinet of the local planning authorities, prior to it being brought into use for the purposes of the SPD (paragraphs 1.10-1.11);
- Further clarification has been added around how 'Other Benefitting Development Sites' will be determined, including that these are expected to include development sites immediately adjacent to the EMF Sites which form part of or are related to development of an EMF Site. It has also been clarified that 'Other Benefitting Development Sites' will also be 'SPD Sites' and a key has been added to the plan at Appendix 4 to assist (paragraph 1.4);
- Text has also been added to explain that the EMF IDP will identify which SPD Sites are intended to contribute towards which items of Strategic Infrastructure, as far as is reasonably practicable at the stage of EMF IDP endorsement by the local planning authorities (paragraph 1.7);
- Text has been added to clarify that it is intended that the substance of this SPD (possibly in a different format, for example a Supplementary Plan where possible) will continue to apply once the adopted local plans cease to have effect and the local planning authorities will work together to achieve that (paragraph 1.20);
- Reference has been added to the East Midlands Gateway Phase 2 DCO application including proposed highway mitigation works to M1 J24 (paragraph 1.21.1(a)(i)(1));
- The description of the proposed development of the Ratcliffe on Soar Power Station site has been amended and further reference to the Ratcliffe on Soar Power Station Local Development Order has been added (paragraph 1.21.2(a)(i));
- The strategic infrastructure identified in respect of the Ratcliffe on Soar Power Station site has been amended to include reference to strategic landscape and visual mitigation measures including to address heritage (paragraph 1.21.2(d)(i)(5));
- The strategic infrastructure needed to deliver the EMIP site has been reviewed and reference to the M1 J24 Improvement Scheme removed, in light of the representations received and an understanding that the EMIP site is unlikely to have a substantial impact on M1 J24 (paragraph 1.21.3(d));
- Other minor amendments have been made to the description of strategic infrastructure for all 3 EMF Sites (paragraphs 1.21.1(d), 1.21.2(d) and 1.21.3(d));
- Further clarification has been added in relation to the application of CIL in Rushcliffe Borough (paragraph 1.22.2);
- It has been clarified that public sector funding may be sought towards the strategic transport infrastructure (paragraph 2.9.1(c));
- Reference to circumstances where roads will be expected to be offered for adoption has been removed (paragraph 2.11);

- Reference has been added to current RICS valuation standards applying to financial viability assessments (paragraph 2.13.3); and
- Minor typos and grammatical errors have been corrected.

3.6 The final SPD document, which has been amended to take into account the consultation responses where appropriate, is attached as Appendix B.

3.7 The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening document published with the consultation draft SPD has been updated to take into account applicable consultation responses in respect of the SEA, add further explanation to support the conclusions and make it clear that it is a screening opinion report in respect of SEA and HRA. The comments of the three statutory consultation bodies (Historic England, Natural England and the Environment Agency) have been sought in advance of this meeting, following the amendments to the SEA and HRA Screening Report and no significant comments or no comments have been received to date (any further update will be reported at the Cabinet meeting) and the conclusions of the SEA and HRA document published with the consultation draft SPD remain that the SPD does not require a SEA or HRA. For the purposes of the SEA and HRA Screening Report the whole area covered by the SPD was considered, but for the purposes of this report and recommendation the conclusions of the SEA and HRA Screening Report and the SPD have been considered specifically in relation to the Council's area. The updated Screening Report is attached as Appendix C.

4.0 NEXT STEPS

4.1 Formulation of an SPD is an Executive function, but adoption is a non-executive function which has been delegated to the Local Plan Committee in accordance with the Council's Constitution.

4.2 Therefore, Cabinet is asked to recommend to the Local Plan Committee that it formally adopts the East Midlands Freeport Strategic Infrastructure and Contributions SPD at its meeting on 29 June 2026.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Planning and regeneration - Communities and housing - Clean, green and Zero Carbon - A well-run council
Policy Considerations:	<p>The National Planning Policy Framework (NPPF), paragraphs 24 to 28, encourages collaborative working across local planning authority boundaries to deliver strategic infrastructure.</p> <p>Policies Ec1, Ec4, Ec5, IF1, and IF4 of the North West Leicestershire Local Plan (adopted 2017 but subject to Partial Review in 2020 and adopted in 2021), provide the policy context for the EMF site(s) and delivery of strategic infrastructure within North West Leicestershire.</p>
Safeguarding:	None identified.

Equalities/Diversity:	None identified, however Equalities Impact Assessments were undertaken in preparing the Local Plan. The EMF Strategic Infrastructure & Contributions SPD would not put in place new policies but would rather supplement relevant policies from the Local Plan with guidance, none of which are considered to have any effect in equalities' impact terms.
Customer Impact:	The EMF Strategic Infrastructure and Contributions SPD will provide clarity for applicants and customers on how the Council expects infrastructure required to mitigate impacts and enable new development to come forward will be funded.
Economic and Social Impact:	The EMF will provide businesses located within its designated 'tax sites' with financial incentives to enable economic growth, stimulate innovation, and to create regional investment and employment opportunities.
Environment, Climate Change and Zero Carbon:	<p>The draft EMF Strategic Infrastructure and Contributions SPD has been assessed under the relevant legislative frameworks for potential environmental impacts.</p> <p>A Screening Report is provided in Appendix C. The report assesses the contents of the EMF Strategic Infrastructure & Contributions SPD in order to identify potential environmental impacts that would require a Strategic Environmental Assessment (SEA). The report also determines whether or not the contents of the draft SPD would require a Habitats Regulations Appropriate Assessment (HRA).</p> <p>The Screening Report concludes that a SEA and HRA are not required to accompany the SPD. The SPD does not give rise to any new or materially different likely significant environmental effects that have not already been assessed at adopted local plan stages, and also having regard to emerging local plan stages and SEA and HRA assessment of the emerging local plan stages to date</p>
Consultation/Community/Tenant Engagement:	Consultation of the draft EMF Strategic Infrastructure and Contributions SPD took place between 23 March 2026 to 27 April 2026.
Risks:	As part of its Corporate Governance arrangements, the Council must ensure that Risk management is considered and satisfactorily

	<p>covered in any report put before elected Members for a decision or action.</p> <p>The SPD will help ensure the coordinated and collaborative delivery and funding of necessary strategic transport infrastructure for the EMF sites. In addition, the SPD will help ensure that strategic allocations and other major development sites in adopted and emerging Local Plans, which are adjacent to or outside the EMF sites, which will be unlocked by or significantly benefit from that strategic transport infrastructure, make appropriate and proportionate contributions towards this strategic transport infrastructure. Without an SPD in place, there is a risk that infrastructure delivery will not be co-ordinated, which could result in a lack of certainty regarding funding mechanisms, and delays to delivery.</p> <p>If the SPD is not adopted before 30 June 2026, there is a risk of delay to agreeing funding mechanisms and co-ordinating approaches across neighbouring local planning authorities towards delivery of strategic transport infrastructure associated with the EMF sites, which could jeopardise the delivery and funding of this strategic transport infrastructure. This is because beyond 30 June 2026, as part of the move towards a new plan-making system, it is envisaged that Supplementary Plans will be prepared and adopted by local planning authorities in place of SPDs. However, it is not yet clear that Supplementary Plans can be prepared pursuant to existing adopted plans or emerging 'old-style' local plans (such as the Council's emerging local plan will be) and in addition Supplementary Plans will be subject to a different adoption process, including independent public examination.</p>
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Appendix A – Statement of Consultation on draft East Midlands Freeport Strategic Infrastructure & Contributions SPD

Appendix B – Final Draft East Midlands Freeport Strategic Infrastructure and & Contributions SPD

Appendix C – SEA and HRA Screening Report