

**21 NOVEMBER 2024****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

<b>APP.NO. &amp; DATE:</b>	2024/10117/04 (2024/EIA/0081/LCC) – 9 <sup>th</sup> July 2024.
<b>PROPOSAL:</b>	To continue the development of Desford Brickworks and Quarry by amending the provisions of Condition 2 of Planning Permission 2018/0669/04, in so far as it relates to the phasing of mineral extraction. This application seeks to amend the chronological order the quarry phases are worked, promoting one phase to be worked at an earlier stage in the quarry development programme.
<b>LOCATION:</b>	Land at Desford Brickworks, Heath Road, Desford, Leicestershire, LE67 1DL.
<b>APPLICANT:</b>	Forterra Building Products Ltd.
<b>MAIN ISSUES:</b>	Landscape and Visual Impacts, Noise Impacts
<b>RECOMMENDATION:</b>	Permit subject to the conditions set out in Appendix A and a legal agreement.

**Circulation Under Local Issues Alert Procedure**

Mr. P. Bedford CC MP

Dr. R. Hills CC

**Officer to Contact**

Charlie Cookson (Tel. 0116 305 5658)

Email: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

## **PART B – MAIN REPORT**

### **The Site and Surroundings**

1. Desford Brickworks is located approximately 3.7 kilometres (km) to the northwest of the village of Desford, 2.7km southeast of Bagworth, 2.4km northeast of Newbold Verdon, 1.1km to the southwest of Thornton and immediately to the south/southwest of Bagworth Heath Woods. Merrylees Industrial Estate is situated to the east of the site, from which the Leicester to Burton on Trent railway line runs to the north/east beyond the Merrylees Industrial Estate. The original quarry (which supplies clay to the brickworks) is located immediately to the south of the brickworks east of Heath Road and north of Merrylees Road. The approved extension to the original quarry is located to the south of Heath Road and north of Merrylees Road and north of a public footpath (number S14) which runs from Merrylees Road to Bagworth Road (B585).
2. The application site covers 82.4 hectares (ha) of land and encompasses the brickworks and ancillary development, the existing quarry (including unworked areas) and the approved extension to the south of Heath Road (see Figures 1 and 2).
3. The brickworks, stockyard and ancillary infrastructure are located in the north of the overall site, with the current quarry void, which supplies clay to the brickworks, located south of the brickworks and stockyard and north of Heath Road. The remaining area left to be worked is east of the brickworks (including the area currently occupied by the stockyard), south of Merrylees Industrial Estate and north of Merrylees Road. Since the grant of planning permission in 2019, buildings associated with Heath Farm have been demolished. Surrounding the original quarry area are belts of woodland that have been planted by the applicant along the boundaries with Heath Road and Merrylees Road, as well as part of the eastern boundary adjacent to the industrial area, forming a woodland screening belt. The working area within the north-western and western flank of the quarry workings have been restored following previous clay extraction.
4. The land associated to the south of Heath Road and north of Merrylees Road forms the approved extension to the quarry working area, which currently comprises approximately 26ha of agricultural land.
5. Access to the brickworks is from a private road, approximately 380 metres (m) in length, leading off Heath Road. The private road is also used as an access to a car park for visitors of Bagworth Country Park. A further access, referred to as 'The Sidings', is available to the south-east of the quarry through the Merrylees Industrial Estate.
6. The nearest residential properties outside of the site boundary include:

- Heath House which lies to the north of Heath Road, on the southern boundary of the existing quarry, and on the northern boundary of the quarry extension area;
  - Woodside Farm which is located north of Heath Road, approximately 200m from the south-west boundary of the existing site;
  - The Swallows lies to the south-east of the existing quarry, across Merrylees Road;
  - Fox Covert Stables and The Lodge lie immediately south of the quarry extension area.
7. Footpaths around the application site include R70, which encloses the northern section of the site in a horseshoe shape, linking Heath Road in the west and Footpath R71 to the north-east of the brickwork's buildings. Footpath S14 runs parallel to the southern boundary of quarry extension.
  8. The site is identified within the boundary of the National Forest and lies within Flood Zone 1 (low risk – less than 1 in 1,000 year probability of flooding).
  9. There are five listed buildings and two Scheduled Monuments within 2km of the site, the closest of which being the Grade I listed Church of St Peter, situated approximately 1.05km north of the site.
  10. A series of small ponds have also been established within a restored area as part of a mitigation scheme for the translocation of Great Crested Newts, situated within the western area of the original quarry site.

Figure 1. Site Location

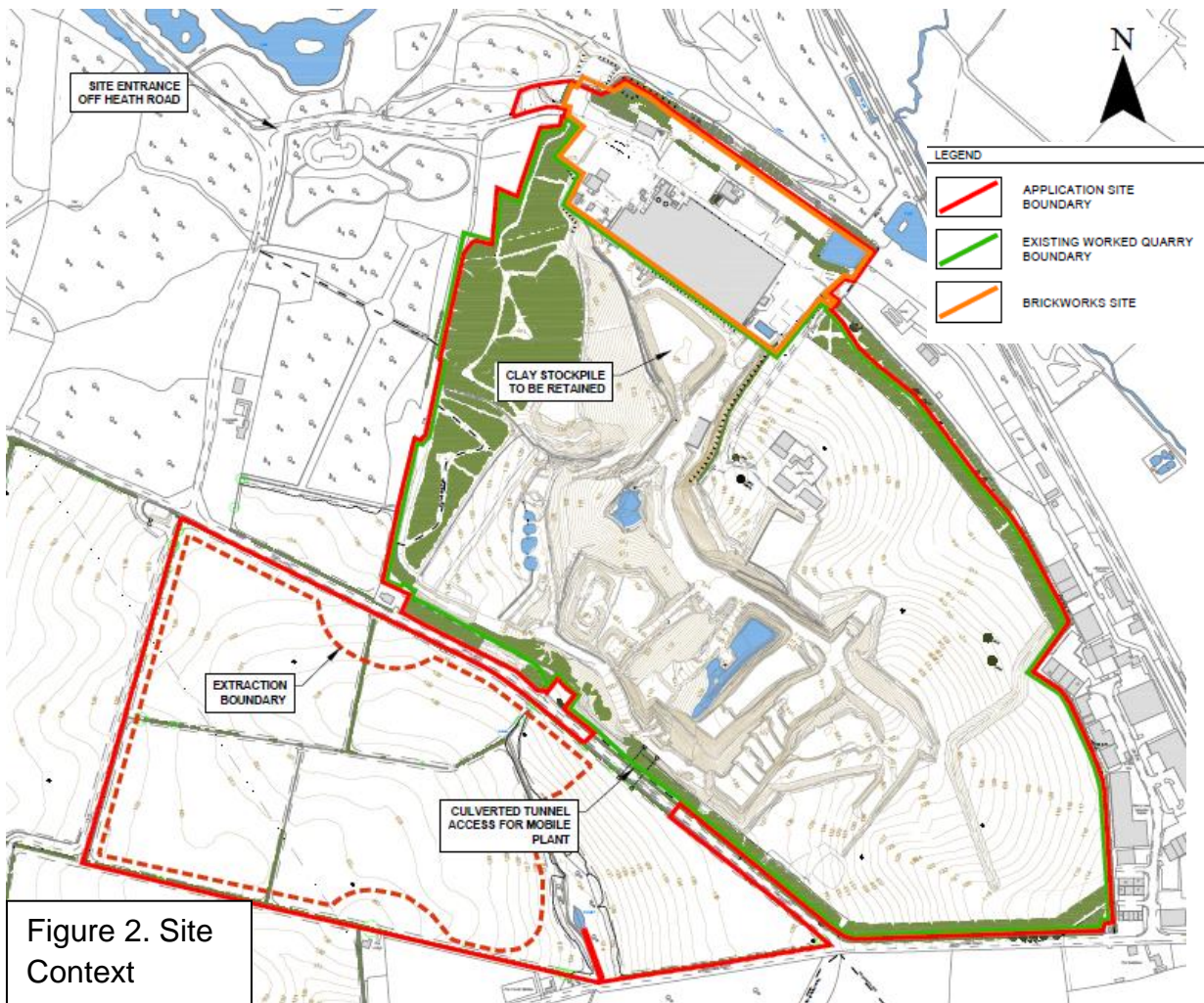
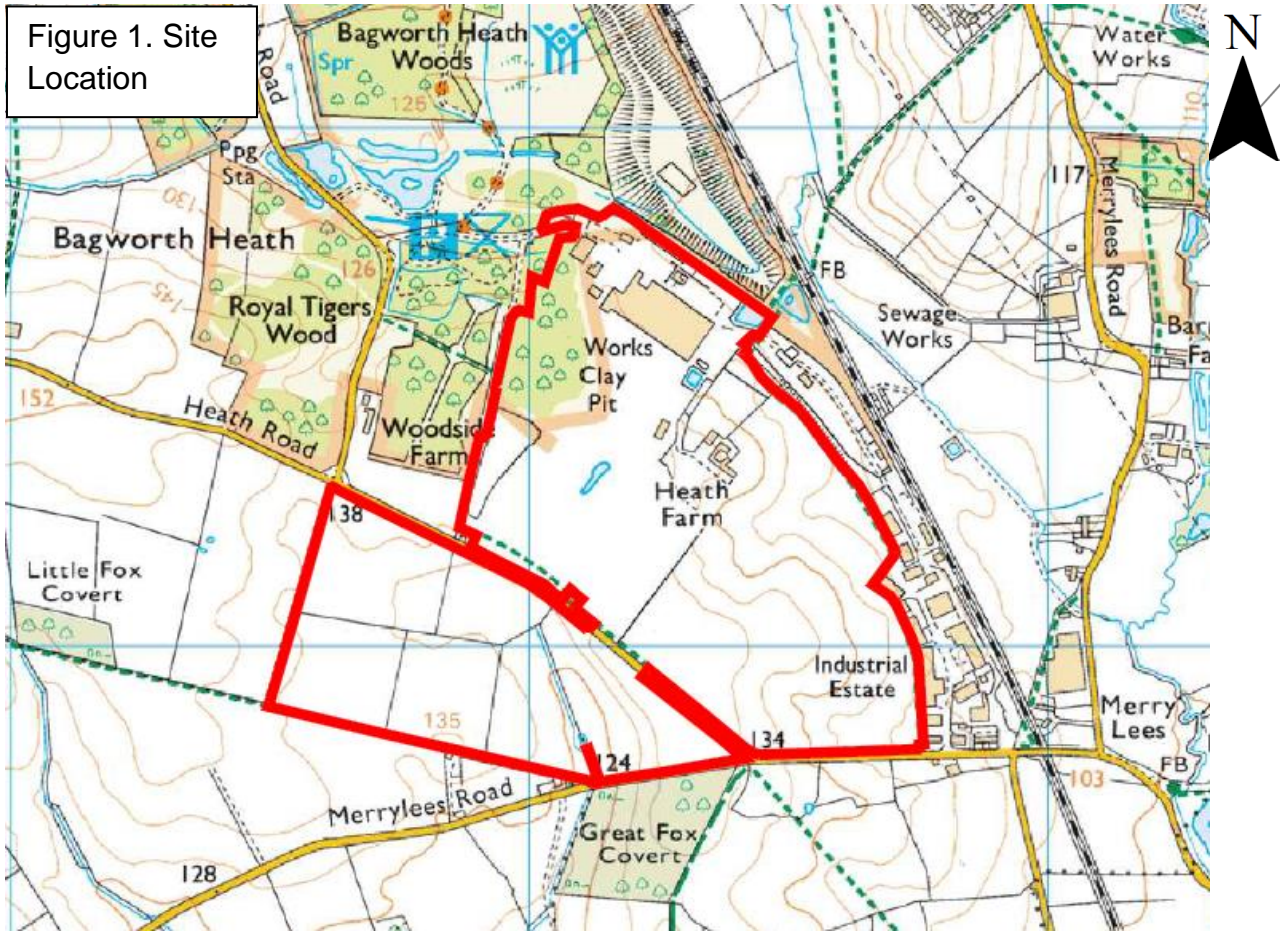


Figure 2. Site Context

## **Planning History**

11. Mineral extraction has taken place at the Desford Brickworks site since the 19<sup>th</sup> Century, with the first workings mainly for coal at the previously adjoining Desford Colliery. The first planning permission for clay extraction dates back to 1948 (ref. A. 68/48). Further small quarry extensions were permitted in 1957, 1967 and 1987. The current extraction operations were permitted in 1998 under reference: 1997/0659/04. This permission consolidated older quarrying permissions and allowed for a large extension to the east, known as the 'Heath Farm Extension'. The brickworks buildings operate under a number of stand-alone permissions, all of which link the use of the buildings to the life of the quarry serving the brickworks.
12. In 2013, the mineral planning permissions at the site were subject to a review under Schedule 14 of the Environment Act 1995, as amended by the Growth & Infrastructure Act 2013. The review process allowed the County Council to update the mineral planning permissions by imposing modern operating, restoration and aftercare conditions. The conditions were approved in 2013 under reference: 2013/0599/04.
13. Planning permission was granted in June 2019 (reference 2018/0669/04) for the construction and operation of a new brickworks with ancillary development (including office, welfare, canteen accommodation, gatehouse, stockyards and clay preparation plant); extension to quarry workings and amendments to the approved working and restoration scheme for the existing quarry workings. It is condition 2 of this permission which this application is seeking to amend.
14. Planning permission was granted in 2022 for the installation of 7,768 solar PV panels split across four buildings (main brick manufacturing building, clay preparation building, crusher building and feed hopper building). The permission has since been implemented and the panels are now in situ.

## **Description of Proposal**

15. Forterra Building Products Limited seeks to continue the operation of the quarry at Desford under an amended Condition 2 of planning permission reference 2018/0669/04, which varies the previously approved phasing of development at the site.
16. Clay is extracted at the site on a 'campaign' basis two to three times a year, totalling approximately 340,000 tonnes per annum. Each campaign typically lasts for six to eight weeks. The applicant is proposing to work the upper part of Phase 7 in advance of opening up the extension areas south of Heath Road, as illustrated on figure 3. This would constitute the early removal of a pinnacle of clay from within this phase down to a level of around 110m above ordnance datum (AOD), prior to

commencing Phase 1 within the extension. This would facilitate a larger area for clay stockpiling adjacent to the factory infrastructure which in turn results in two larger rather than three smaller clay campaigns per year. The Phase 7 area currently forms a pinnacle of remnant high ground and covers around 4.2ha. This includes a small area of grassland (0.5ha) sloping from 135-130m AOD, with soils and mineral stockpiles (2.2ha) and excavation batters and access ramp (1.5ha) sloping down to meet the previously worked out areas surrounding at typically circa 115m AOD. It is flanked by quarry workings to the south-west, ancillary buildings associated with the brick factory to the north/north-west and the stockyard to the north-east. To the south-east lies areas of agricultural land containing future reserves of clay.

17. Under permission reference: 2018/0669/04, Condition 2 reads as follows:

*'Unless otherwise required by the conditions attached to this permission the development shall be carried out in accordance with the following details:*

- a) *Planning application reference 2018/0669/04 (2018/CM/0110/LCC) and accompanying environmental statement;*
  - b) *The Regulation 25 Further Information Submission and drawings DB 3/2, DB 3/3, DB 3/5 and DB 3/6 (submitted under Regulation 25); DB 3/4 and DB 3/15, dated December 2018 and H001 and H002, dated October 2018'.*
18. It is noted that all other aspects of the development would remain as approved under permission reference: 2018/0669/04. The proposal does not seek to introduce any new physical development to the site, expand the site area, or intensify operations. Similarly, it does not seek to amend the approved restoration scheme for the quarry.

Figure 3. Existing Phasing Plan

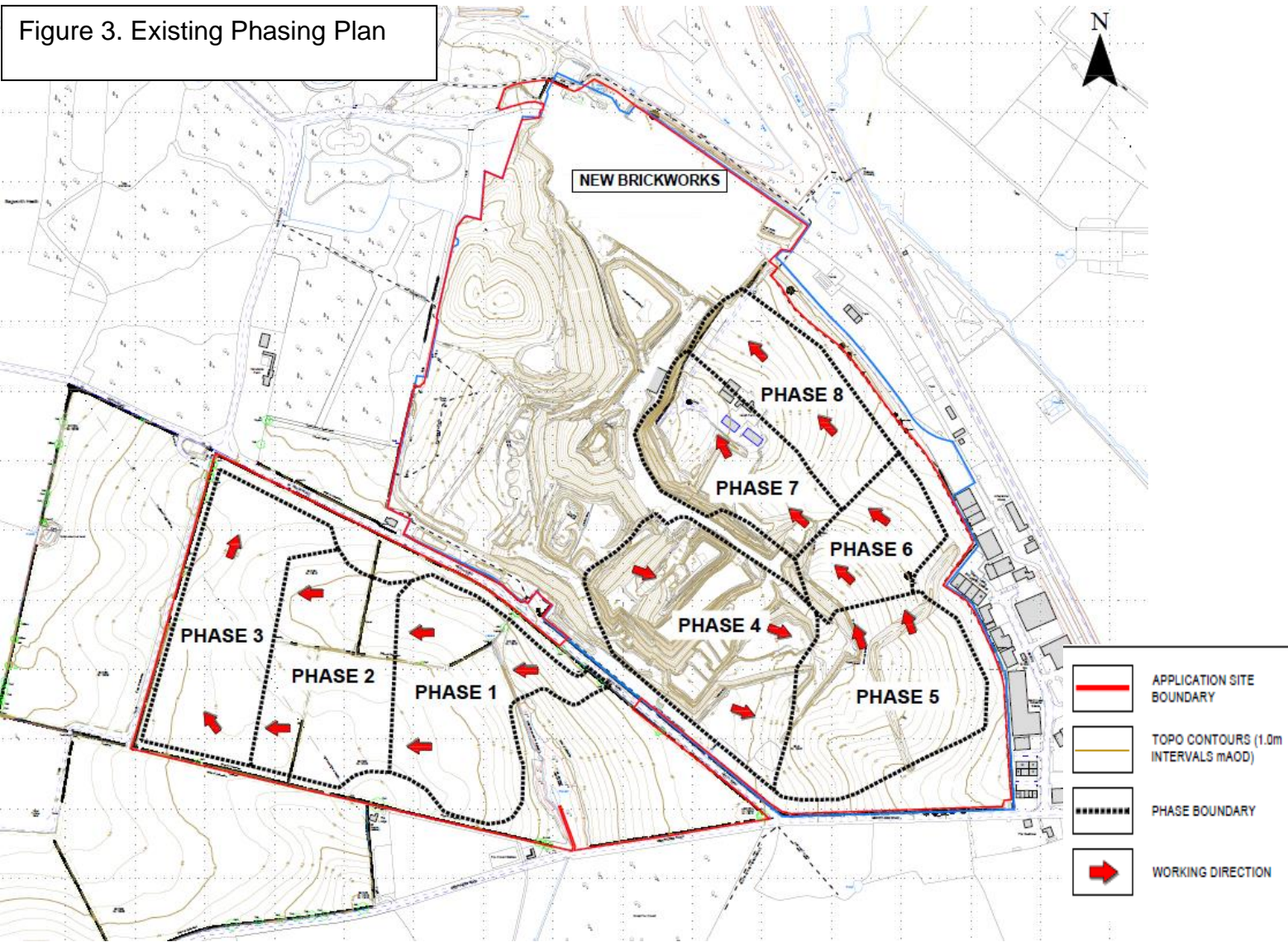
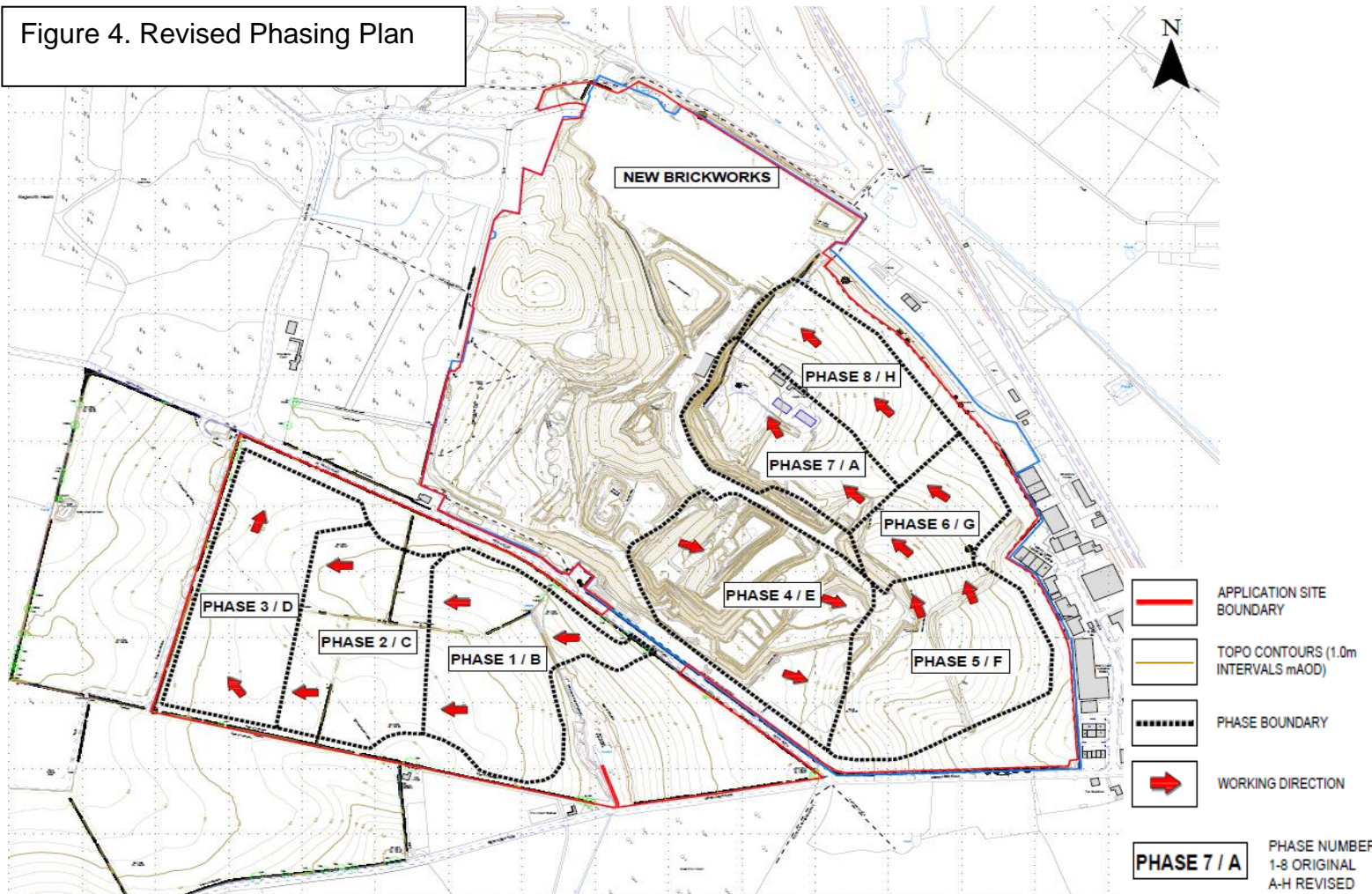


Figure 4. Revised Phasing Plan



## Environmental Statement Addendum

19. The planning application is accompanied by an addendum to the Environmental Statement (ES) that was submitted in support of permission reference: 2018/0669/04. The addendum provides an update to the ES in respect of the following environmental impacts which the applicant considered would have the potential to be affected by altering the proposed phasing:
- Landscape and Visual Impacts;
  - Noise Impacts.
20. A number of topics have been scoped out of the addendum. Such topics and the reasoning for this are set out below:
- Air Quality: Previous assessments were not based on the order phases were worked, or any topographical change within the site, rather, consideration was given to the likely sources of dust coupled with the effectiveness of mitigation measures. Mitigation measures have been captured through conditions attached to the extant planning permission. Changing the order of phasing would not have any effect on these conclusion or mitigation measures.
  - Archaeology and Cultural Heritage: There would be no ground disturbance in addition to that consented as a result of the proposals. Furthermore, there would be no overall change to the appearance of the site and so no change to the setting of any listed buildings in the vicinity of the site.
  - Ecology: There would be no additional loss of habitats within the application site as a result of the proposals, or introduction of new features (such as lighting) that have not previously been assessed.
  - Transport: There would be no change to the rate of brick production as a result of altering the phasing of clay extraction.
  - Water Environment: There would be no change to the profile, levels or surfacing of the site which would affect drainage or groundwater resources. There would also be no change to the nature of site operations which would increase the risk of surface or groundwaters being polluted.

### Landscape and Visual Impacts

21. An update to the Landscape and Visual Impact Assessment (LVIA) has been provided, concluding that there would be no significant landscape and visual effects predicted as a result of the proposed re-phasing and early removal of the pinnacle of clay from within Phase 7, prior to commencing Phase 1 to the south of Heath Road. The proposed mitigation would be considered effective, with the maintenance and management of existing established perimeter planting belts and along Heath Road hedge to retain the screening benefits currently being offered, with additional infill planting carried out as necessary. The progressive working and restoration phasing south of Heath Road would be unchanged and the final restoration of the site would be unchanged. Therefore, the addendum concludes that the conclusions reached in the 2018 ES would remain unchanged.

### Noise Impacts

22. An update to the Noise Assessment has been provided which specifically assesses the proposed re-phasing of the clay extraction areas against the original



assessment, taking into account the current baseline conditions and approved schemes. As such, the following updates have been undertaken:

- Revision to the relevant table to include the additional plant (dumper truck and wheeled loader) that would be in operation at the new clay stockpile area.
  - Revision to the phasing to be assessed.
  - Revision to the relevant table to include the revised phases (Stages) and the inclusion of the stockpile noise sources in each stage.
23. The updated assessment concluded that all of the noise sensitive receptors for each of the different stages of the quarry working scheme are likely to be below the prescribed limits contained in Condition 30 of the existing planning permission for the quarry. Accordingly, the proposed change in phasing of the quarry workings would not affect the conclusions of the 2018 ES.

### Alternatives

24. The EIA regulations require that the Environmental Statement outlines alternatives that have been considered. Potential alternatives may also arise as the proposal is refined, and subject to appropriate approvals, as the development proceeds. Given that the nature of the proposal is a change to an approved scheme, the other potential alternative is a 'do nothing' scenario whereby the quarry working continues to progress in accordance with the approved phasing scheme. This alternative has been fully assessed as part of the 2018 ES.

### **Planning Policy**

#### The Development Plan

25. Leicestershire Minerals and Waste Local Plan 2019-2031 (adopted September 2019) (LMWLP):
- Policy M5: Brickclay
  - Policy DM2: Local Environment and Community Protection
  - Policy DM3: Strategic Green Infrastructure
  - Policy DM5: Landscape Impact
  - Policy DM10: Public Rights of Way
26. Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document (adopted July 2016) (HBDPD):
- Policy DM7: Preventing Pollution and Flooding
  - Policy DM10: Development and Design
27. Hinckley and Bosworth Borough Council Core Strategy (Adopted December 2009) - The Core Strategy (HBCS) forms part of the development plan, setting out the primary strategy and key policies guiding development within the borough until 2026. However, no policies from the Core Strategy are pertinent to the proposed works.

#### National Policy

28. National Planning Policy Framework (NPPF) 2023:

- Paragraph 104: Planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users by adding links to existing rights of way networks.
  - Paragraph 180: Planning decisions should prevent new and existing development from contributing to unacceptable levels of noise and water pollution.
  - Paragraph 191: Planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
  - Paragraph 215: It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. It is also acknowledged that minerals are a finite resource and can only be worked where they are found.
  - Paragraph 217: Advises that, when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. MPAs should ensure that: there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account any cumulative effects; any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; restoration and aftercare are achieved at the earliest opportunity to high environmental standards, through the application of appropriate conditions.
  - Paragraph 220: Relates to mineral planning authorities planning for a steady and adequate supply of industrial minerals through maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment; and taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.
29. Planning Practice Guidance 2014 (PPG) provides additional guidance to ensure the effective implementation of the national policy set out in the NPPF in relation to mineral extraction. It identifies the principal issues to be addressed including visual intrusion and landscaping and noise control and monitoring.

#### Other Policy Considerations

30. Hinckley and Bosworth Borough Landscape Character Assessment (September 2017) (HBBLCA)
31. Bagworth, Thornton and Stanton-under-Bardon Draft Neighbourhood Plan. The draft plan has been published for consultation under Regulation 14 of the Town and Country Planning (England) Neighbourhood Planning (General) Regulations 2012. The consultation period ran between 15 March 2021 to 4 May 2021 however a Regulation 15 submission is yet to follow. Therefore, this currently has little weight in the decision-making process.

#### Consultations

32. **Hinckley & Bosworth Borough Council** – No Comment.
33. **Hinckley & Bosworth Borough Council Environmental Health** – No Objection.
34. **Mr P. Bedford, MP, CC** – Responded to say he had no comments to make.
35. **Dr. R. Hills, CC** – No Formal Comment.
36. **Leicestershire County Council Highways** – No Objection.
37. **Leicestershire County Council Landscape** – No Objection.
38. **Leicestershire County Council Ecology** – No Objection.
39. **Leicestershire County Council Lead Local Flood Authority (LLFA)** – No comment but referred to standing advice stating that the Mineral Planning Authority should ensure that flood risk is not increased elsewhere, and users of the development are not put at risk.
40. **Leicestershire County Council Public Rights of Way (PROW)** – Comments- Recommended the amendment of the previous PROW condition (24) attached to permission reference: 2018/0669/04, to the following:  
  
‘In the event that alterations are proposed to a boundary between the application site and public rights of way R70 or S14, full details of the works shall be submitted to, and approved in writing by, the Mineral Planning Authority before installation. Details shall include any new links from permissive paths, and construction of the culverted underpass beneath Heath Road where it affects Footpath R70, and a programme of implementation. The development shall then be implemented as approved’.
41. **Environment Agency** – No Objection.
42. **National Forest Company** – No Comment.
43. **Natural England** – No Comment.
44. **Historic England** – No Comment.
45. **Coal Authority** – No Comment.
46. **Health and Safety Executive** – No Comment.
47. **Newbold Verdon Parish Council; Bagworth & Thornton Parish Council; Markfield Parish Council; and Leicestershire County Council Archaeology** have not responded at the time of writing this report. Any response received will be reported in an addendum or orally.

### **Publicity and Representations**

48. The application has been publicised by means of site notice, press notice (Hinckley Times) and neighbour notification letters sent to the nearest occupiers in accordance with the County Council’s adopted Statement of Community Involvement (SCI).

49. One representation was received from a local resident as a result of the publicity raising concern about the potential effects over time on natural water levels and water supply from a borehole within close proximity to the application site.
50. The issue raised has been considered in the Assessment of Proposal section of this report.

### **Assessment of Proposal**

51. This application should be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant considerations in determining the acceptability of this proposal relate to the principle of development, landscape and visual impacts, noise impacts, and impacts on the public rights of way network.
52. The applicant seeks to vary condition 2 of planning permission reference: 2018/0669/04, to replace the approved plans with alternatives which would allow the phasing of quarry development to work the upper part of Phase 7 in advance of opening up the extension areas south of Heath Road.
53. Of all the policy outlined in the policy section which holds material weight, it is only the LMWLP that has been adopted since the assessment of 2018/0669/04.

### **Principle of Development**

54. The principle of mineral development at this site has been established by the 2019 planning permission (code ref: 2018/0669/04). Planning permission 2018/0669/04 has been implemented and is the main permission under which the Desford Brickworks site currently operates. The principle of development related to the proposed rephasing remains the same of that assessed under permission reference: 2018/0669/04, associated with the supply and maintenance of mineral reserves including brickclay, although the applicant now seeks to make amendments to the previously approved phasing plan to work the upper part of Phase 7 prior to opening up the extension areas south of Heath Road. This remains unchanged given that the proposal does not seek to introduce any new physical development to the site, expand the site area, or intensify operations. It is not considered, therefore, that the proposed amendments would result in a development that is significantly different from the development previously approved, which was found to be acceptable in this location.
55. The LMWLP was adopted in September 2019 after the previous consent was issued. Policy M5 seeks to ensure a steady and adequate supply of brickclay by allowing extensions to existing sites where they are required to maintain a landbank of at least 25 years of permitted reserves to support the level of investment required to maintain and improve existing brick-making plant and equipment. The policy also gives priority to proposals for extraction to be worked as extensions to existing sites with associated brickworks. This proposal relates to a wider, existing scheme releasing an additional 5.7 million tonnes (Mt) of useable reserves, ensuring a suitable landbank of raw materials is provided to support the investment at the brickworks. Therefore, it is considered to accord with Policy M5 of the LMWLP and paragraphs 215, 217 and 220 of the NPPF.

56. The potential environment and amenity impacts of this development were assessed and found to be acceptable during the consideration of the original application. However, in the context of the current development plan, the NPPF and PPG, consideration has been given as to whether the development, as changed, would be likely to give rise to any significantly different or additional aspects to what was previously considered. In this respect, it is considered that the main issues that need to be considered for this proposal are the need for the proposed amended phasing, landscape and visual impacts and noise.

#### Need for Development

57. The applicant is looking to amend the phasing in order to facilitate a larger area for clay stockpiling adjacent to the factory infrastructure which in turn results in two larger, rather than three smaller, clay campaigns per year. This is deemed to be a fair operational reason in the determination of this application.

#### Amenity and Environmental Impacts

58. The applicant has submitted an addendum to the original ES covering landscape and visual impacts and noise in light of the proposed amendments to phasing. The revised assessment concludes that there would be no additional significant cumulative or increase in effects as a result of the proposed changes.

#### Landscaping and Visual Impact

59. The landscape and visual impacts associated with the early removal of the pinnacle of clay from within Phase 7 prior to commencing Phase 1 to the south of Heath Road have been considered within the ES addendum.
60. Although the pinnacle within Phase 7 would be removed at an earlier stage, this would be initially taken to a similar depth to the adjacent areas whilst the land south of Heath Road is worked and then the area would be worked to the currently agreed base levels. The overall footprint of disturbance for mineral workings would remain unchanged. Therefore, it is considered there would be a negligible level of landscape change relating to the proposed amended sequence and timings of disturbance to areas of approved mineral workings, including exposure of overburden and reddish-brown clays within Phase 7.
61. The sensitivity of aesthetic and perceptual aspects of the proposed rephasing are anticipated to be low given the low susceptibility of Phase 7 which is surrounded by the existing medium to large scale operational brickworks and mineral extraction areas north of Heath Road. Furthermore, this area of land is enclosed by tree plantations and landform to varying degrees. There are no changes to the proposed management and enhancement of the wider site boundaries. Overall, the landscape and visual sensitivities of Phase 7 would be limited to a relatively small area within a much wider operational mineral site.
62. The proposal is situated within the Charnwood Fringe Settled Forest Hills landscape character area (LCA) as outlined within the HBBLCA. Further assessments predict that there would be no impacts on the overall landscape characteristics of the Charnwood Fringe Settled Forest Hills LCA.
63. The visibility of the pinnacle within Phase 7 is relatively limited in extent due to the undulating topography, in conjunction with mature woodland blocks and tree belts

around the site boundary, as well as hedgerows and hedgerow trees in the wider landscape. Notwithstanding such, the addendum to the ES has considered the potential visual impacts of the proposal from a number of viewpoints including nearby settlements, properties, road and public right of way networks and Bagworth Heath Woods Country Park. These assessments conclude that the proposed changes would cause negligible visual impacts overall.

64. LCC Landscape officers have been consulted as part of the decision-making process, providing no objection, stating there are no significant landscape and visual effects predicted as a result of the proposed re-phasing and outlining that the final restoration of the site would be unchanged. The National Forest Company were also consulted, providing no objection for similar reasons.
65. Therefore, it is considered that there would be no significant landscape and visual effects as a result of the proposed development and subject to the continuation of conditions controlling the proposed landscaping as per the details outlined within the condition section of this report. As such, the proposal is deemed acceptable and meets the terms of Policy DM2, DM3 and DM5 of the LMWLP and Policy DM10 of the HBDPD.

#### Noise

66. Potential noise impacts associated with the proposed development have been considered as part of the ES addendum. The additional assessment concluded that the noise limit value of 55 dB LAeq, 1h would not be exceeded and consequently there would be no concerns regarding impact magnitude and level of effect. This is concurrent with the findings of the 2018 ES. Additionally, the predicted noise levels would comply with the limits conditioned within the condition section of this report.
67. Hinckley and Bosworth Borough Council's Environmental Health Officer was consulted as part of the decision-making process and provided no objection.
68. Therefore, it is considered that subject to the continuation of conditions monitoring noise compliance, as per the details outlined within the condition section of this report, there would be no significant noise impacts as a result of the proposed development. As such, the proposal is considered to accord with Policy DM2 of the LMWLP; Policy DM7 of the HBDPD; and paragraphs 180 and 191 of the NPPF.

#### Rights of Way

69. The proposed re-phasing is not anticipated to produce impacts over and above those previously assessed as part of permission reference: 2018/0669/04, including those on rights of way. However, LCC Rights of Way were consulted as part of the decision-making process and provided comments recommending updates to the previously attached public rights of way condition.
70. Therefore, subject to the imposition of the recommended condition, the development is considered acceptable in terms of effects of the rights of way network and the users of the routes in accordance with Policy DM10 of the LMWLP and paragraph 104 of the NPPF.

#### Other matters

71. Regarding the representation raised by a member of the public, given the nature of the proposals solely altering the phasing of the development, impacts on the water environment, including hydrology and hydrogeology, are considered negligible given the depth assumptions of the final worked out landform for this area of the site do not change. This position is outlined within paragraph 4.12 of the ES addendum. Furthermore, the EA were consulted as part of the decision-making process and provided no objection.
72. Therefore, it is considered that the proposed development accords with Policy DM2 of the LMWLP, Policy DM7 of the HBDDP and paragraph 180 of the NPPF.

### **Section 106 Legal Agreement Matters**

73. The grant of planning permission 2018/0669/04 was subject to a legal agreement imposing planning obligations on the site, replacing an earlier legal agreement which bound the planning permissions of 97/0659/4 and the review permission 2013/0599/04.
74. The provisions of the current legal agreement dated 20 June 2019, as modified by a Deed of Variation dated 25 January 2022, include the operation of a liaison committee; annual review of the possible use of the Ivanhoe Railway Line for the transportation of materials in connection with the use of the Site; and HGV Routeing. It is considered that all of these obligations should be carried forward to any permission granted.

### **Conclusion**

75. Having assessed the main issues and potential impacts of the proposed development, there are no unacceptable impacts, either individually or cumulatively.
76. When considering the proposed rephasing as part of the wider, existing scheme, the release of an additional 5.7 million tonnes (Mt) of useable reserves of brickclay attracts a great degree of supportive weight, as does the associated direct and indirect economic benefits. Since the grant of permission reference: 2018/0669/04, the Leicestershire Minerals and Waste Local Plan 2019-2031 has been adopted in which Policy M5 provides additional support for the steady and adequate supply of brickclay.
77. The proposed rephasing facilitates a larger area for clay stockpiling adjacent to the factory infrastructure which in turn results in two larger, rather than three smaller, clay campaigns per year. This is deemed to be a fair operational reason in the determination of this application. All other aspects of the development would remain as approved under permission reference: 2018/0669/04; the proposal does not seek to introduce any new physical development to the site, expand the site area, or intensify operations. Similarly, it does not seek to amend the approved restoration scheme for the quarry.
78. Potential impacts relating to: air quality; archaeology and cultural heritage; ecology; transport; and water environment have been considered as part of an addendum to the Environmental Statement submitted as part of permission reference:

2018/0669/04 and are not anticipated to give rise to impacts over and above those previously assessed.

79. Similarly, potential landscape and visual impacts, noise impacts, and impacts on the public rights of way network have been assessed. It is accepted that the potential impacts arising from the proposal would be minimal, negligible, and contained to a relatively modest area of a much larger operational site.
80. The concerns raised by the local community and the issues raised by consultees have been taken into account and have been satisfactorily addressed.
81. By reason of the above assessment, it is considered that the proposal is in general accordance with the relevant policies outlined within: the Leicestershire Minerals and Waste Local Plan 2019-2031 (adopted September 2019); Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document (adopted July 2016); National Planning Policy Framework 2023; and Planning Practice Guidance 2014
82. It is considered that with the imposition of appropriate planning obligations and planning conditions the proposed development is acceptable.

### **Statement of Positive and Proactive Engagement**

83. In determining this application, the Mineral Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and the valid representations received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **Recommendation**

- A. PERMIT subject to the conditions as set out in Appendix A and the prior completion of a legal agreement to ensure existing obligations are attached to the new permission.

### **Officer to Contact**

Charlie Cookson: (Tel: 0116 305 5658)  
E-Mail: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)





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