



GP PLANNING LTD



MINERAL RESOURCE ASSESSEMENT

PROPOSED RESIDENTIAL DEVELOPMENT

LAND BETWEEN PECKLETON LANE AND LEICESTER LANE,
DESFORD

BELLWAY STRATEGIC LAND

JUNE 2026

MINERAL RESOURCE ASSESSMENT		
Desford	Bellway Homes	B055-01

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1 INTRODUCTION

1.1 Context

1.1.1 GP Planning Ltd, has been commissioned to prepare a Mineral Resource Assessment (MRA) in connection with a proposed residential development at land to the south of Desford, Leicestershire.

1.1.2 The Site, which extends to a total of 41 hectares, is proposed for

“Outline planning application for residential development, including provision of a primary healthcare facility and district centre [E Use Class]; sports facilities; public open space; access from Peckleton Lane and Leicester Lane with a connecting road; sustainable drainage; and associated infrastructure. All matters reserved except for access.”

Local Planning Policy Background

1.1.3 The Hinckley and Bosworth Core Strategy is the key Development Plan Document (DPD) in the Local Development Framework (LDF). The Core Strategy provides the over-arching strategy and long term vision for Hinckley & Bosworth, whilst other Development Plan Documents implement the strategy and vision contained within the Core Strategy.

1.1.4 The Site Allocations and Development Management Policies Document (DPD) allocates land to deliver the development requirements outlined in the Core Strategy such as housing, employment, recreation, green spaces, community uses and leisure uses.

Local Plan Review

1.1.5 The Council has embarked on a review of the Local Plan and consulted on the Regulation 18 Draft Local Plan from Friday 17 October to Friday 28 November 2025. The site has been identified as an emerging strategic housing allocation in the Regulation 18 Local Plan under Policy NEW03.

Since then, the Council has highlighted that the Regulation 19 consultation is expected in Summer 2026.

1.2 Site Features and Constraints

- 1.2.1 The Site is an irregular shaped field currently in agricultural use. It lies between the built up area of Desford to the west and the B582 to the east. Bosworth Academy lies to the north and agricultural land lies to the south.

Topography

- 1.2.2 The Site rises from around 98m AoD on the eastern boundary to around 128m AoD on the western most boundary. The middle of the site is about 110m AoD.

Flood Risk

- 1.2.3 According to the Flood Map for Planning, the site is entirely located within Flood Zone 1, an area with a low probability of flooding.

Constraints

- 1.2.4 Three public footpaths cross the Site from west to east.
- 1.2.5 There are several watercourses within the Site.
- 1.2.6 Part of the Site appears to fall within a Minerals Safeguarding Area (MSA), the extent and implications of which are discussed below.
- 1.2.7 As a consequence of the site's location in a MSA, and in line with the relevant development plan, it is necessary to prepare a Minerals Resource Assessment to determine compliance with the requirements of the relevant policies.
- 1.2.8 The purpose of this MRA and Strategy is threefold:
- Firstly, the Assessment considers the proposals against national and local policy;
 - Secondly, it considers whether the proposed development itself would sterilise mineral reserves; and
 - Thirdly, whether the grant of planning permission would mean that other reserves could potentially be sterilised by virtue of the proximity of the residential properties and the potential impacts that could arise should further development be proposed in the Mineral Safeguarding Area.
- 1.2.9 The MRA addresses the nature and extent of the mineral resources.

2 MINERALS POLICY CONTEXT

2.1 The Development Plan

2.1.1 The current development plan, as far as minerals extraction is concerned, is:

- The Leicestershire Minerals and Waste Local Plan, adopted September 2019 (LMWLP)
- Mineral and Waste Safeguarding [Hinckley and Bosworth Borough] Document S4/2015

2.1.2 LMWLP Policy M11: Safeguarding of Mineral Resources states:

“Sand and gravel, limestone, igneous rock, surface coal, fireclay, brickclay and gypsum resources within the Minerals Safeguarding Areas shown on the figures contained within the Mineral and Waste Safeguarding documents, will be protected from permanent sterilisation by other development.

Planning permission will be granted for development that is incompatible with safeguarding mineral within a Mineral Safeguarding Area if:

- (i) the applicant can demonstrate that the mineral concerned is no longer of any value or potential value; or*
- (ii) the mineral can be extracted satisfactorily prior to the incompatible development taking place; or*
- (iii) the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- (iv) there is an overriding need for the incompatible development; or*
- (v) the development comprises one of the types of development listed in Table 4.*

Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.”

2.1.3 The supporting text to the policy states:

“The sites and facilities to be safeguarded are identified in the Mineral and Waste Safeguarding documents produced for each district/borough (references S1/2015 to S7/2015).”

2.2 National Planning Policy Framework, December 2024 (Last updated, 7th February 2025)

2.2.1 Section 17 of NPPF relates to facilitating the sustainable use of minerals.

2.2.2 Paragraph 222 states:

“It is essential that there is a sufficient supply of minerals to provide infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.”

2.2.3 In respect of developing appropriate policies, Paragraph 223 advises that planning policies should, *inter alia*:

*c) safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are **not sterilised** by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked).*

d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place.

*Note: **bold** is the Author’s emphasis*

2.2.4 The implications of extant policies are discussed in Section 7 of this MRA.

3 MINERAL SAFEGUARDING

3.1 Introduction

- 3.1.1 This section explains the overarching policy background to mineral safeguarding and the emerging local policy context.

3.2 Minerals Policy Statement 1: Planning and Minerals (November 2006)

- 3.2.1 Prior to the publication of the National Planning Policy Framework in March 2012 (NPPF), Minerals Policy Statement 1: *Planning and minerals* (November 2006) (MPS 1) and the accompanying Planning and Minerals: Practice Guide provided the national planning policy for mineral safeguarding. Paragraph 15 set out national policy on safeguarding mineral reserves with the following intent:
- i. To place an obligation on all Mineral Planning Authorities (MPAs) to define Mineral Safeguarding Areas (MSAs) in Local Development Documents (LDDs) to ensure that ‘proven’ resources are not needlessly sterilised.
 - ii. To encourage the prior extraction of minerals ‘where practicable’ if non-mineral development is necessary in MSAs.
 - iii. In two-tier planning areas, such as in this case, include policies and proposals to safeguard mineral resources within MSAs in county LDDs and MSAs in district LDDs. Counties should define Mineral Consultation Areas (MCAs) based on MSAs. Where a planning application is submitted within an MCA, the District Council should consult the County Council on the application.
 - iv. District Council’s responsible for spatial planning of land defined in MSAs should not normally include policies and proposals in their LDDs for non-minerals development in those areas, or sensitive development around MSAs, where such policies would affect the potential for future extraction of minerals.
- 3.2.2 It was not intended for MSAs to impose a blanket restriction on development within them and there is no presumption that mineral resources will be worked in these areas. Furthermore, the delineation of minerals resources does not involve consideration of the full range of land use constraints that might apply if future extraction was to be considered.
- 3.2.3 The purpose of MSAs is to ensure that the presence of mineral resources is both adequately and effectively considered in land-use planning decision making.

3.3 National Planning Policy Framework, March 2012

- 3.3.1 NPPF 2012 confirmed that the purpose of the planning system was to contribute to the achievement of sustainable development and that the policies in paragraphs 18-219, taken as a whole, constituted the Government's view of what sustainable development in England means in practice for the planning system.
- 3.3.2 Section 13 of NPPF 2012 addressed the sustainable use of minerals.
- 3.3.3 NPPF 2012 confirmed that, in preparing local plans, local planning authorities are required to define Mineral Safeguarding Areas (Paragraph 144) and adopt appropriate policies in order that known locations of specific mineral resources of local and national importance are not *needlessly* sterilised by non-mineral development, whilst not creating a presumption that the resources defined will be worked, and there is a requirement to define Minerals Consultation Areas based on the MSAs.
- 3.3.4 The use of the word *needlessly* does not feature in NPPF 2019.

3.4 National Planning Policy Framework, December 2024 (last updated 7th February 2025)

- 3.4.1 The updated NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development is summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are three overarching objectives within the planning system to ensure that sustainable development is achieved:
- An economic objective – sustainable development should help build a strong, responsive, and competitive economy by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure.
 - A social objective – sustainable development should support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open space that reflect current and future needs and support communities' health, social and cultural well-being; and

- An environmental objective – sustainable development should protect and enhance our natural, built, and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 3.4.2 The three roles should not be undertaken in isolation. This assists in weighing up the balance in the decision-making process. The sustainable credentials of the proposed housing development are an important consideration when determining the planning balance.
- 3.4.3 Section 17 of the NPPF deals with facilitating the sustainable use of minerals and recognises the important role minerals have in supporting growth and the need to plan for sufficient supply. Minerals resources are finite and should be used with that in mind. Consideration needs to be given to whether the extraction of minerals alongside this proposal is sustainable.
- 3.4.4 In preparing local plans, MPAs should safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas (Paragraph 223cc) and adopt appropriate policies so that known locations of specific mineral resources of local and national importance are not sterilised by non-mineral development, where this should be avoided (whilst not creating a presumption that the resources defined will be worked).
- 3.4.5 Planning policies should also set out policies to encourage the prior extraction of minerals, where this is practical and environmentally feasible, if it is necessary for non-mineral development to take place.
- 3.4.6 NPPF does not require MPAs to include policies that prevent all development in MSAs. There is flexibility if there is a degree of necessity for the non-mineral development.
- 3.4.7 The nature of the delineation of MSAs exercise means that judgement needs to be applied as the reserves are mapped with no consideration of the wider land use planning implications and the acceptability of future extraction. MSAs are a useful tool to allow the existence of mineral resources to be ‘flagged up’ for consideration as part of other potential developments.
- 3.4.8 The MSA is intended to cover the full estimated extent of the reserve. The definition of MSAs on its own will not safeguard reserves and there are normally linked development management policies to afford additional protection.
- 3.4.9 When determining planning applications Local Planning Authorities (LPAs) should not normally permit other development proposals in MSAs if it might constrain potential future use for mineral extraction

(Paragraph 225, NPPF). The use of the word “normally” is important because it means that the NPPF does not require all development in MSAs to be refused.

- 3.4.10 Minerals are finite and can only be worked where they occur. Sterilisation of minerals can occur as a result of surface development on top of reserves or by development that is close to the boundary of a resource. Where mineral resources exist below a development the prior extraction of those minerals should be considered. NPPF states, in Paragraph 223d, that the MPA should set out policies to *encourage* the prior extraction of minerals, where *practical and environmentally feasible*. There is no explicit reference to *practical or environmental feasibility* in the MPAs adopted policies, which are considered below.
- 3.4.11 A further revised National Planning Policy Framework has been consulted upon. There is nothing of relevance to the consideration of mineral safeguarding in the consultation draft.

3.5 Planning Practice Guidance, March 2014

- 3.5.1 Planning Practice Guidance (PPG) includes guidance on planning for mineral extraction in the plan making and application process. Section 2 of the Minerals Guidance addresses mineral safeguarding commencing at Paragraph: 002 Reference ID: 27-002-20140306. Section 3 covers planning for mineral extraction and Section 4 provides guidance on assessing the environmental effects from mineral extraction.

Section 2 Mineral Safeguarding

- 3.5.2 The guidance re-iterates NPPF by stating that mineral safeguarding is the process of ensuring that non-minerals development does not needlessly prevent the future extraction of minerals resources of local and national importance. The use of the word needlessly is important. Needless means without cause or reason. In the same way as the over-arching NPPF, PPG is not imposing a complete restriction on non-minerals development in MSAs. that does not provide for prior extraction where there is cause and reason for that decision.
- 3.5.3 MPAs are advised to adopt a systematic approach to safeguarding mineral resources, which:
- Uses best available information on the location of all mineral resources;
 - Involves consultation with stakeholders to define MSAs;
 - Sets out MSAs on the polices map that accompanies the local plan; and
 - Adopts clear development management policies which set out how proposals for non-mineral development in MSAs will be handled, and what action applicants for development should take to

address the risk of losing the ability to extract the resource. This may include policies that encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in MSAs and to prevent the unnecessary sterilisation of minerals.

3.5.4 Councils are advised to:

- Have regard to the local minerals plan when identifying suitable areas for non-mineral development and should show MSAs on their policy maps;
- Consult the MPA and take account of the policies in the local minerals plan before determining applications for non-mineral development; and
- When determining planning applications, doing so in accordance with development policy on mineral safeguarding, and taking account of the views of the MPA on the risk of preventing extraction.

3.5.5 PPG contains a link to Mineral safeguarding in England: good practice advice Open Report OR/11/046, British Geological Survey 2011. This is the second edition of the guide, the first having been produced in 2007. This guide provides clearer guidance and assistance with implementing certain aspect of the mineral safeguarding process.

3.5.6 The BGS Report, while published pre-NPPF, remains relevant. At Paragraph 1.1.2 it states, *'The essence of any safeguarding process is that it should introduce the consideration of minerals into the decision-making balance, so that access to mineral resources for future generations is preserved as far as possible.'* This recognises that it will not be possible to safeguard minerals resources in all cases.

3.5.7 The Guide sets out a 7-stage safeguarding methodology:

- Identify the best geological and resource information;

The definition of up to date MSAs requires up to date, factual information on the physical location of mineral resources and should be based principally on the best available mineral resource information at the time they are prepared. A robust credible starting point is BGS data. Mineral deposits do not necessarily equate to viable mineral resources. Where available other data should also be incorporated e.g., from industry, sand and gravel assessments, Coal Authority data.

- Decide which minerals to safeguard and the physical extent of MSAs;

The best available data gathered from Stage 1 should then be used as a basis for deciding those minerals that are of economic importance and should be safeguarded. Information should be used to compile resource maps best done using GIS. MSAs should usually cover the whole resource and not be curtailed by other planning considerations. Decisions and modifications to the extent of any resources should be fully recorded and justified. It may be appropriate to extend the MSA beyond the resource boundary to take account of the risks associated with sterilisation by incompatible development nearby. In urban

areas MPAs should define MSAs to highlight the potential for extracting minerals beneath large regeneration projects and brownfield sites. In exceptional circumstances the definition of MSAs to exclude urban areas may be justified e.g., where the method of working the mineral may not be acceptable.

- Undertake consultation on Draft MSAs;

The proposed list of minerals to be safeguarded and the justification together with maps of mineral resources and draft MSAs should be the subject of specialist consultations. Key consultees include the Coal Authority, English Heritage, BGs and neighbouring MPAs. Consultation may take many forms.

- Decide on the approach to safeguarding in the Core Strategy;

It is essential that the approach to safeguarding is defined in the Core Strategy.

- Include Mineral Assessments in the local list of information requirements;

The definition of MSAs will not in itself safeguard mineral resources. Effective safeguarding will only be achieved by outlining criteria against which planning applications for land use and development in the MSAs will be considered. A criteria based safeguarding policy is advised, stating the circumstances where non-mineral development would be appropriate. It may also be useful to set out exemption criteria e.g., householder development. MSA boundaries should be presented on proposals map that accompanies the relevant DPD.

- Include safeguarding in district level DPDs;

This stage is only where there are two tier authorities.

- Include Mineral Assessments in local list requirements;

Sufficient information on mineral resources is necessary for local authorities to determine non-mineral planning applications submitted in MSAs. The requirement for a Mineral Assessment could be administered through the Local List.

- 3.5.8 The information that is required in a Mineral Assessment/MRA should be relevant, necessary and material to the application in question. The Mineral Assessment should include a site specific, desk-based assessment of existing surface and solid geological information and an analysis of that information, its potential for use in forthcoming development and an assessment of whether it is feasible and viable to extract the mineral resources ahead of development to prevent unnecessary sterilisation.
- 3.5.9 Where an applicant proposes development within an MSA, the planning authority should ensure that the applicant has considered all the options to avoid sterilisation of the minerals.
- 3.5.10 An assessment of the viability of prior extraction will need to take into account whether the environmental conditions are suitable to support extraction and whether extraction is achievable in an acceptable

timeframe. Additional considerations may also include the availability of the market to deal with the supply and the financial outlay required to develop the subsequent excavation.

- 3.5.11 PPG also assists with guidance on assessing environmental impacts of mineral extraction. The introduction of a significant mineral extraction element would most likely give rise to impacts that could be considered significant and more than localised.
- 3.5.12 PPG lists the type of environmental issues that would need to be considered. It also addresses whether separation distances / buffer zones are appropriate, confirming that in specific circumstances they may be necessary. Any proposed distances should be established on a site-specific basis and should be effective, properly justified and reasonable.

3.6 Local Policy & Guidance

- 3.6.1 Section 2 of this Report sets out the extant minerals policy context. LMWLP Policy M11 is relevant, as is the Mineral and Waste Safeguarding {Hinckley & Bosworth Borough} Document S4/2015.
- 3.6.1 The Policy postdates NPPF 2012 guidance and while it predates NPPF 2024, the principle of safeguarding minerals has not fundamentally altered.

4 SITE LEVEL MINERAL RESOURCES AND SAFEGUARDING

4.1 Background History, Geology and Ground Conditions

- 4.1.1 Based on geological records it is probable that some of the proposed development site contains mineral resources.

Site History

- 4.1.2 There is no record of any planning permissions on the District Council's on line Planning – Map Search facility that are of any relevance. However, the site has been subject to an EIA Screening Assessment under planning reference 25/01228/EAS for the erection of up to 550 dwellings.
- 4.1.3 Leicestershire County Council's website does not have any records of mineral applications or permissions in this locality.

Site Geology

- 4.1.4 Figure 1 is an extract from the BGS Mineral Resources Map for Leicestershire and Rutland (2002). This shows the sand and gravel resource in pink. The Site's approximate location is marked by the red circle.

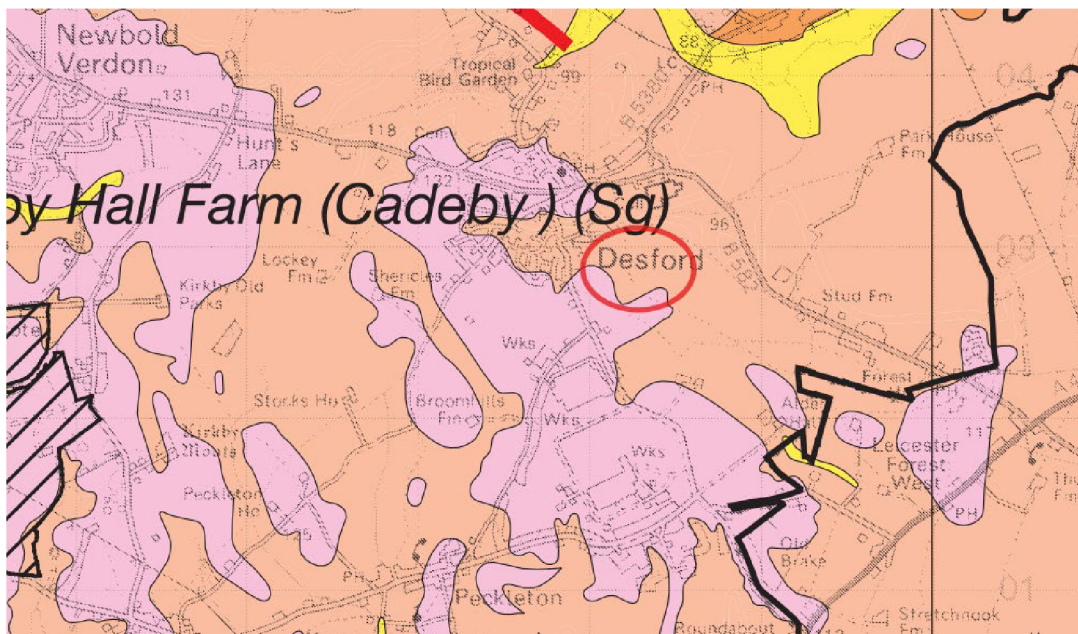


Figure 1: BGS Leicestershire Map

- 4.1.1 The BGS on-line Geology Viewer provides a larger scale demarcation of the mineral resource. Figure 2 shows the superficial deposits. The pink area represents "Glaciofluvial Deposits, Mid Pleistocene - Sand

and gravel". The green area is "Oadby Member (trias-rich) – Diamicton". There is no information available for the grey area. Figure 3 shows the dominant bedrock geology as Edwalton Member - Mudstone (light brown). The terracotta coloured area is "Gunthorpe Member – Mudstone". The dark brown areas represent "Cotgrave Sandstone Member – Sandstone".

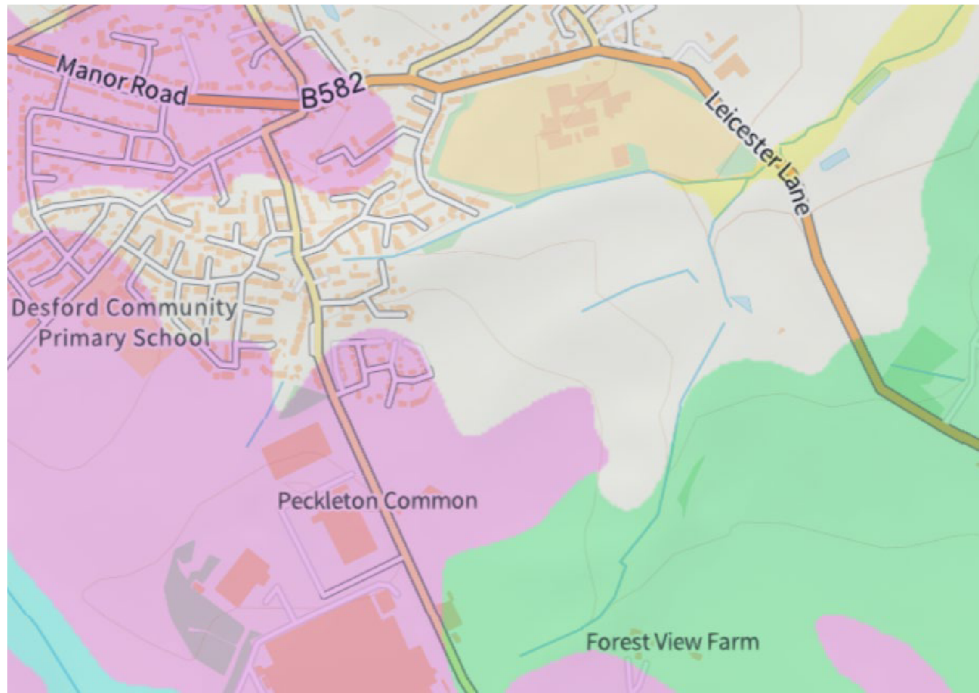


Figure 2: BGS Viewer Superficial Geology



Figure 3: BGS Viewer Bedrock Geology

Boreholes

4.1.2 The BGS GeoIndex map does not show any borehole records within the site boundary or adjacent to it.

There nearest boreholes in the vicinity are shown in Figure 4. It should be noted, however, that those with a black dot are confidential and no information is available.

4.1.3 Figures 5 and 6 show boreholes nearest to the Site on a larger scale.

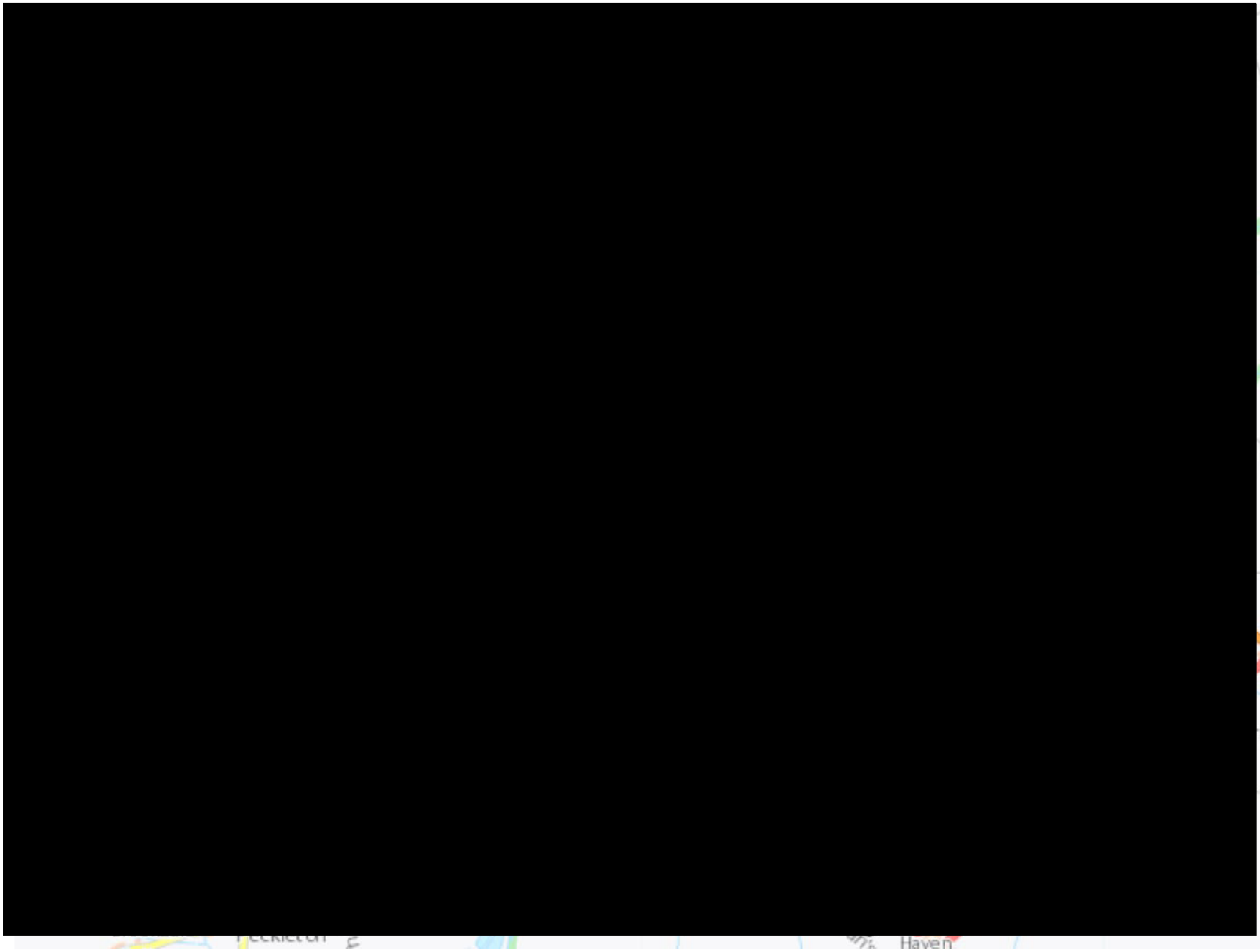


Figure 4: Boreholes in the General Vicinity

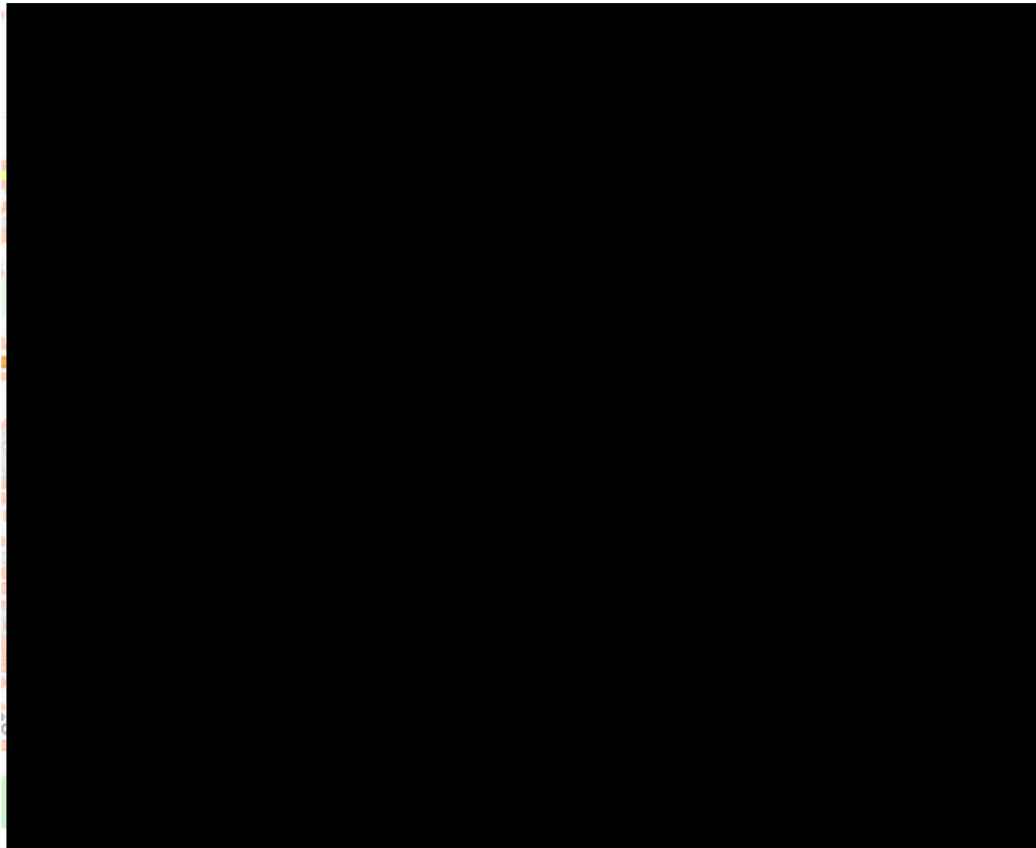


Figure 5: Boreholes Nearest to the Site (North)

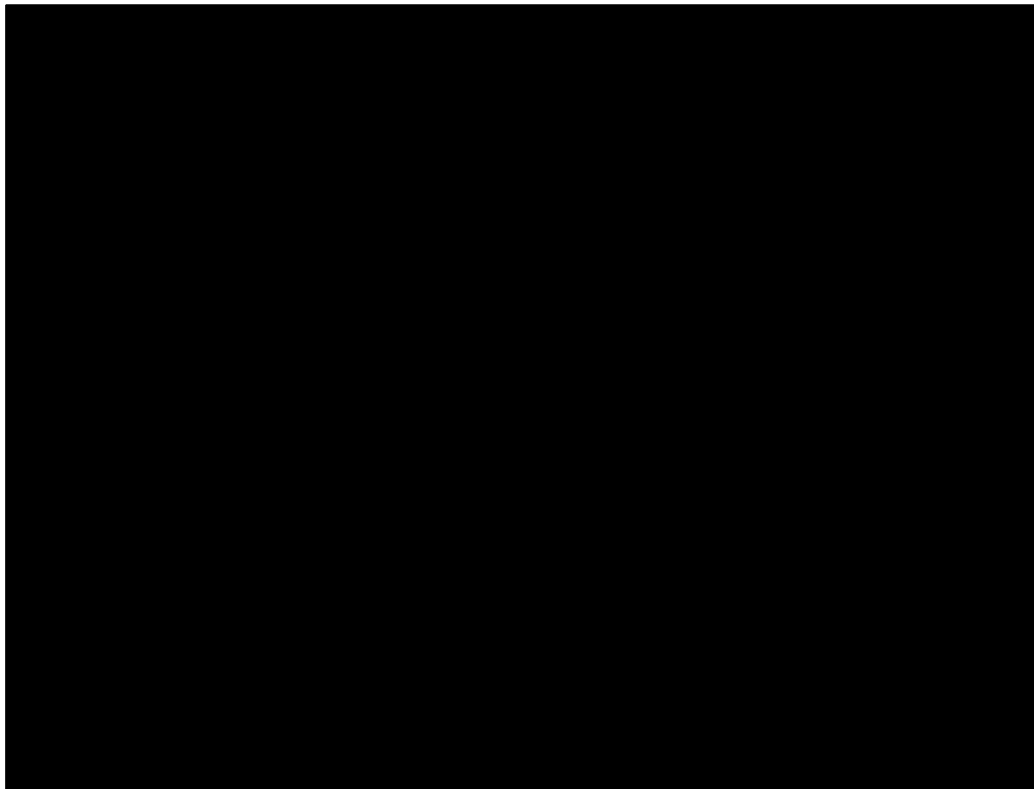


Figure 6: Boreholes Nearest to the Site (South)

4.1.4 Table 1 below summarises the borehole geological data recorded.

Table 1: Borehole Logs					
Reference	Date	Strata	Depth (m)	Thickness (m)	Superficial /bedrock geology
SK40SE75	1987	Friable dark red brown extremely closely fissured silty CLAY with some fine to medium rounded gravel	0.0	1.0	No Information /mudstone
		Firm dark red brown mottled blue grey silty CLAY/clayey SILT with up to 0.10m thick horizontal beds of light red brown silty fine sand	1.0	0.3	
		Firm to stiff dark red brown thinly interbedded light grey green silty CLAY/ clayey SILT with some coarse sand sized fragments of light grey green mudstone	1.3	2.0	
SK40SE21	1949	Loam and coarse gravel	1.2	1.2	No Information /mudstone
		Red clay	5.0	4.0	
		Mixed clay and red skerry	6.9	1.7	
		Red clay	7.6	0.7	
		Skerry	7.9	0.3	
		Red clay	10.8	2.9	
		Hard Skerry	12.6	1.8	
SK40SE66	Not dated	Stiff brown and red brown silty very sandy CLAY with much fine to coarse subrounded gravel	0.3	2.15	Glaciofluvial Sand and gravel/ mudstone
		Medium dense red brown slightly clayey silty fine to medium SAND with some fine to coarse subrounded gravel	2.45	1.55	
		Firm red brown sandy very silty with rare gravel	5	1.0	
		Medium dense clayey very silty fine SAND with rare fine to coarse sub rounded gravel	6	1.0	
		Medium dense slightly clayey very silty fine SAND with fine to coarse sub rounded gravel	11.5	5.5	
		Stiff red brown slightly sandy very silty clay with some pockets of clayey silt	12.5	1.0	
		Stiff red brown very silty clay becoming very still at depth	14.0	1.5	

		Very stiff red brown very silty CLAY with occasional fine to coarse subrounded gravel.	14.7	0.7	
		Hard red brown occasional mottled light grey very silty CLAY with gravel sized mudstone. MERCIA MUDSTONE	22.2	7.5	

4.1.5 In summary Borehole SK40SE75 recorded mainly clay deposits with occasional sand and gravel. Borehole SK40SE21 recorded mainly clay. Borehole SK40SE66 recorded mainly sand and gravel with some clay.

5 MINERAL SAFEGUARDING AREA

5.1 Extent

- 5.1.1 The map extract below (Figure 7) is an extract from Figure HK1 of Mineral and Waste Safeguarding [Hinckley & Bosworth Borough] Document. The purple areas represents the sand and gravel MSA. It appears that some of the Site is within the MSA.
- 5.1.2 The LMWLP advises that the proposed MSAs include a buffer zone of 200 metres around sand and gravel resources to ensure an adequate safeguarding margin. This would explain why the MSA does not correlate with the superficial geology as shown on the BGS Mineral Resources Map for Leicestershire and Rutland (2002) and the BGS Online geology viewer (see Figures 1 and 2).

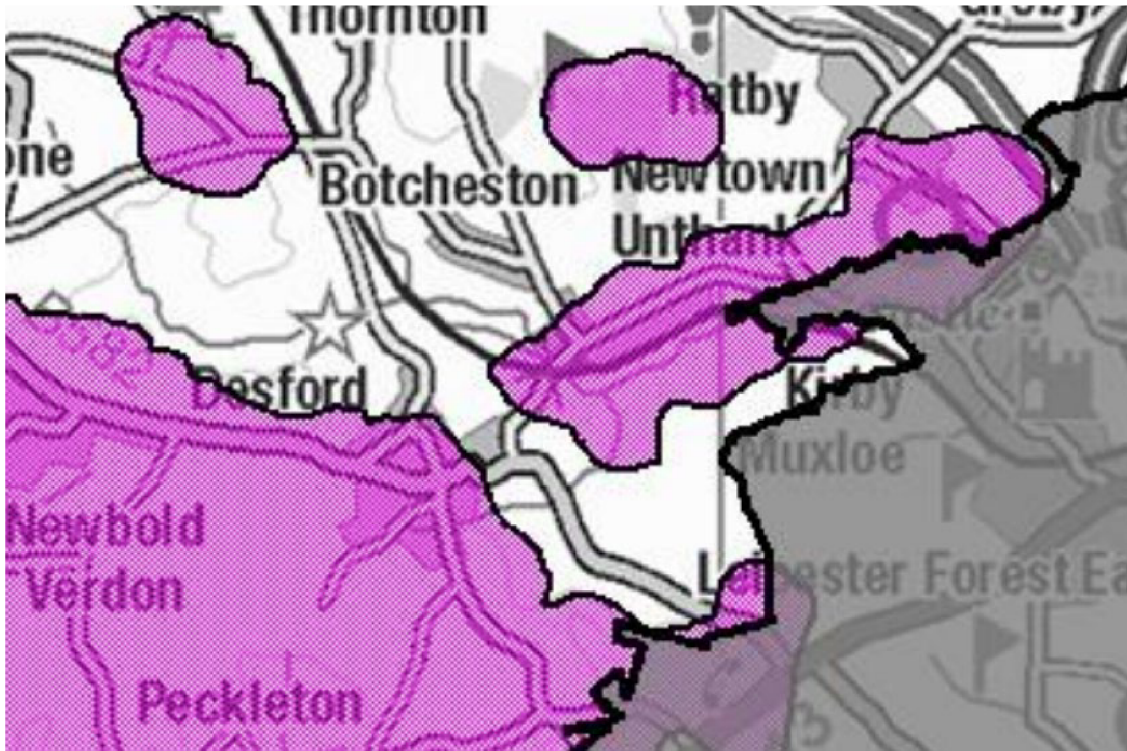


Figure 7: MSA Extract for Charnwood Borough

- 5.1.3 Due the small scale of the MSA map, it is not possible to be more precise about the location of the Site in relation to the boundary of the MSA. For that reason, it has been necessary to estimate the extent of the sand and gravel deposit beneath the proposal site; and this is shown on Figure 8 below.

- 5.1.4 The application site is shown by the yellow line. The pink area represents the approximate extent of the sand and gravel resources based on BGS data. The purple area is a 200m buffer added to the resource. Therefore, for the purposes of this MRA the MSA comprises the pink and purple areas shown in Figure 8.

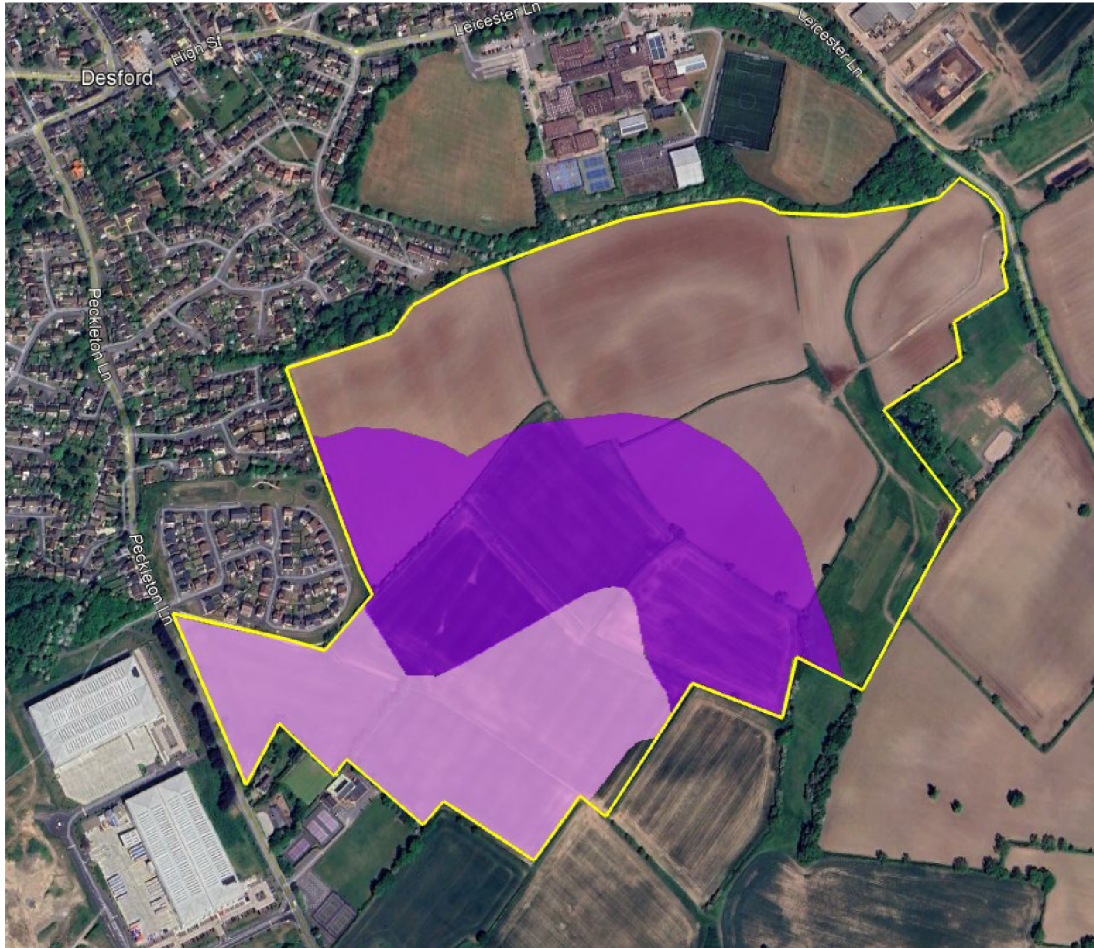


Figure 8: Estimated Extent of the MSA Covering the Site.

6 ENVIRONMENTAL EFFECTS OF MINERAL WORKINGS

6.1 Introduction

6.1.1 The extraction of minerals can give rise to certain environmental effects. NPPF recognises this at Paragraph 223 and requires environmental criteria to be set out in Local Plans, in line with the other policies in NPPF, against which planning applications will be assessed to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.

6.1.2 When determining planning applications, mineral planning authorities (MPAs) should ensure that there are no unacceptable adverse impacts and that unavoidable noise, dust and particle emissions are controlled and that appropriate noise limits are established for extraction in proximity to noise sensitive properties.

6.1.3 LMWLP Policy DM2: Local Environment and Community Protection, states that:

Planning permission will be granted for minerals and waste development where it is demonstrated that the potential effects from birdstrikes, dust, emissions, flooding, illumination, noise, odour, run-off, traffic, vibration, or visual intrusion to adjoining land uses and users and those in close proximity to the proposal would be acceptable.

6.1.4 Planning Practice Guidance addresses these potential effects in more detail.

6.1.5 All of the matters are relevant when considering the impact of mineral working prior to the residential development and the impact of residential development on potential future mineral workings beyond the site in the MSA.

Proximity of mineral workings to communities

6.1.6 The Guidance provides for a programme of work to be agreed, which takes into account, as far as is practicable, the potential impacts on the local community over the life of the development. In some circumstances, a new or extended permission may not provide adequate protection and separation distances (formerly referred to as Buffer Zones) may be justified. There is no suggested distance, but the distance should be effective but reasonable taking into account:

- The nature of mineral extraction activity (including its duration)

- The need to avoid undue sterilisation,
- Location and topography
- The characteristics of the various environmental effects; and
- The various amelioration measures that can be applied.

Dust Emissions

- 6.1.7 The NPPF makes it clear that unavoidable dust emissions are controlled, mitigated, or removed at source and that a dust assessment study should be undertaken. Guidance is provided on the key stages of assessment and the potential health effects of dust. Residential properties are deemed to be of medium sensitivity.

Noise Emissions

- 6.1.8 The NPPF makes it clear that MPAs should ensure that unavoidable noise emissions are controlled, mitigated, or removed at source and that appropriate noise limits should be established for extraction in proximity to noise sensitive properties.
- 6.1.9 However, in both cases, due to the underground method of extraction it is not considered that there would be any noise or dust impact on the housing/school even if the resource were mined under the site.
- 6.1.10 The potential environmental impacts of any future extraction are contained in Section 7 of this Report.

7 THE IMPACT OF MINERAL SAFEGUARDING AREAS

7.1 Introduction

7.1.1 In order to determine the impact of the proposed residential development on the MSA it is necessary to examine a number of topics, before reaching a conclusion.

7.1.2 This section addresses:

- Site topography, geology, and context
- Local environmental considerations
- Policy Requirements
- The likely environmental effects of mineral extraction
- The need for and likelihood of future mineral extraction in the adjacent MSA
- The need for the development

7.2 Site Topography and Context

7.2.1 The Site measures approximately 42ha and is currently in agricultural use. It is an irregular shaped field, lying between the built up area of Desford to the west and the B582 to the east. Bosworth Academy lies to the north and agricultural land lies to the south.

Topography

7.2.2 The Site rises from around 98m AoD on the eastern boundary to around 128m AoD on the western most boundary. The middle of the Site is at about 110m AOD.

7.3 Local Environmental Considerations

7.3.1 The Site is not designated as a statutory or non-statutory ecological site.

7.3.2 The site is located entirely within Flood Zone 1. Flood Zone 1 (Low Probability) is land defined as having less than a 1 in 1000 annual probability of river or sea flooding.

7.3.3 Three public footpaths cross the Site from west to east.

7.3.4 There are several watercourses within the Site.

7.3.5 Residential development lies to the west and northwest. Bosworth Academy lies to the north. Sport in Desford sports facility lies adjacent to the southwestern boundary.

7.3.6 Figure 9 below shows the Site (outlined in yellow) and local context.



Figure 9: Site Context

7.4 The Likely Environmental Effects of Minerals Extraction in the MSA

7.4.1 There are two approaches to considering the impact of MSA's. The first is consideration of the impacts arising from prior extraction at the development site on existing residents. In this case those are the receptor locations described above.

7.4.2 The second is the impact of working minerals in the MSA beyond the development site and the impact that would have on the living conditions of future residents associated with the proposed development site, also known as "proximal impact."

- 7.4.3 The “impacts” that may be experienced are considered to be amenity impacts arising from noise, dust and plant associated with quarrying activities.

7.5 Policy Requirements

- 7.5.1 LMWLP Policy M11 states that planning permission will be granted for development that is incompatible with safeguarding mineral within a Mineral Safeguarding Area if:

- (i) the applicant can demonstrate that the mineral concerned is no longer of any value or potential value; or*
- (ii) the mineral can be extracted satisfactorily prior to the incompatible development taking place; or*
- (iii) the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- (iv) there is an overriding need for the incompatible development; or*
- (v) the development comprises one of the types of development listed in Table 4.*

- 7.5.2 The policy adds that:

“Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.”

- 7.5.3 In this case, because “or” is added at the end of each bullet point then the non-minerals proposal only needs to meet one of the criteria to be “acceptable.”

- 7.5.4 Part (v) is not relevant as the proposal does not fall within the “exempt” types of development listed in Table 4.

- 7.5.5 Notwithstanding policy interpretation, the matters are addressed below to ensure a robust consideration of the mineral safeguarding area in this location.

The mineral concerned is no longer of any value or potential value

- 7.5.6 The superficial deposit, which underlays the southern part of the Site, is sand and gravel. The bedrock under the site is mudstone. However, about half of the actual resource would already be “sterilised” due

to the need for 100m stand-offs from housing and commercial properties. These are shown by the red circles in Figure 10 below. In addition, there are two public footpaths crossing the Site and these are shown by the green lines. The green circles represent 20m stand offs from the footpaths.

- 7.5.7 The remaining land which would be “available” for extraction consists of an area to the north of the southernmost footpath, which is about 2ha and one to the south of the footpath is about 0.65ha. These areas are outlined in white in Figure 10.
- 7.5.8 The footpath would act as physical constraint if both areas where to be worked at the same time as it would need to be diverted or temporarily stopped up for both practical and health and safety reasons.
- 7.5.9 Notwithstanding the footpath issue it is considered that the “gross” area of around 2.65ha is not large enough to be a viable economically and as such is no longer of any value or potential value.
- 7.5.10 There is also no opportunity to combine these areas with any adjoining mineral resource to make a larger quarry. This will be explained more detail below.

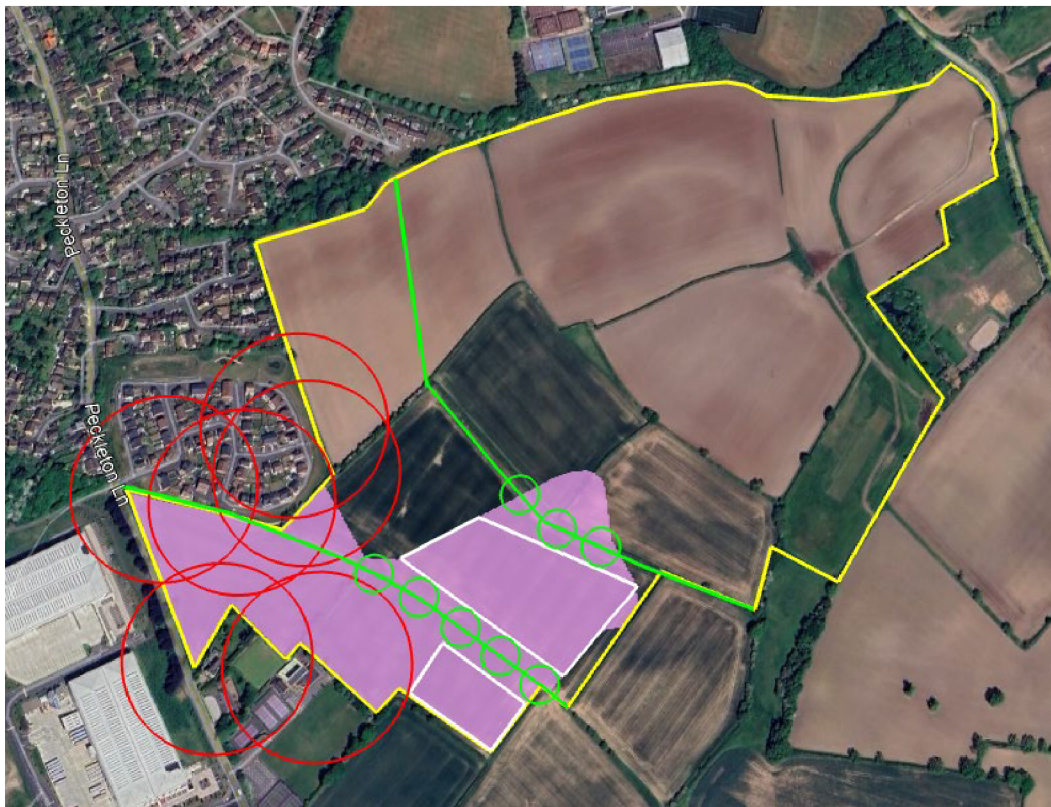


Figure 10: Stand- offs and Potential Extraction Areas

The mineral can be extracted satisfactorily prior to the incompatible development taking place

- 7.5.11 Prior extraction of the mineral would not be feasible or economically viable. It is not known the extent of any workable mineral under the site because there are no available boreholes for this area. The feasibility of mineral extraction in purely practical terms is therefore not known.
- 7.5.12 There would be no need for as-dug minerals in the development and so it would have to be transported off site. This would impact on nearby properties and businesses, through noise and dust and the impact of trundling HGVs, depending on the haul route. Furthermore, the resultant void(s) would need to be filled in with imported waste to reinstate the land back to original ground levels. This would cause additional environmental impact and lengthen the timescale to complete mineral operations.

The incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed

- 7.5.13 The proposed development is not temporary.

There is an overriding need for the incompatible development

- 7.5.14 The site is a strategic allocation in the emerging Local Plan. The proposed housing will help to address the current shortfall in the Borough's housing land supply and respond to the Government's drive to significantly boost the supply of new homes.

7.6 The Need for and Likelihood of Future Extraction in the adjacent MSA

- 7.6.1 It is acknowledged that the purpose and role of MSAs is not just about dealing with extraction in the plan period but is also about ensuring that reserves are available for future generations. The delineation of the MSA boundaries is led by the geology and the potential for minerals. Environmental factors arising from extraction are not taken into account
- 7.6.2 As can be seen in Figure 11 the sand and gravel MSA covers a significant area to the south and west and isolated "pockets" to the north and east. Built development already exists to the south and west and so there is no prospect of mineral extraction within this area even though it is within the MSA.
- 7.6.3 The area outlined in orange Figure 12 shows the extent of the superficial sand and gravel resource adjoining the site to the southeast, which is not already sterilised by existing development. This measures approximately 0.95 ha. However, most of this land would be constrained by the adjoining sports facility,

in particular the tennis courts and football pitch; and as such it is highly unlikely that any mineral extraction would be acceptable within this area.

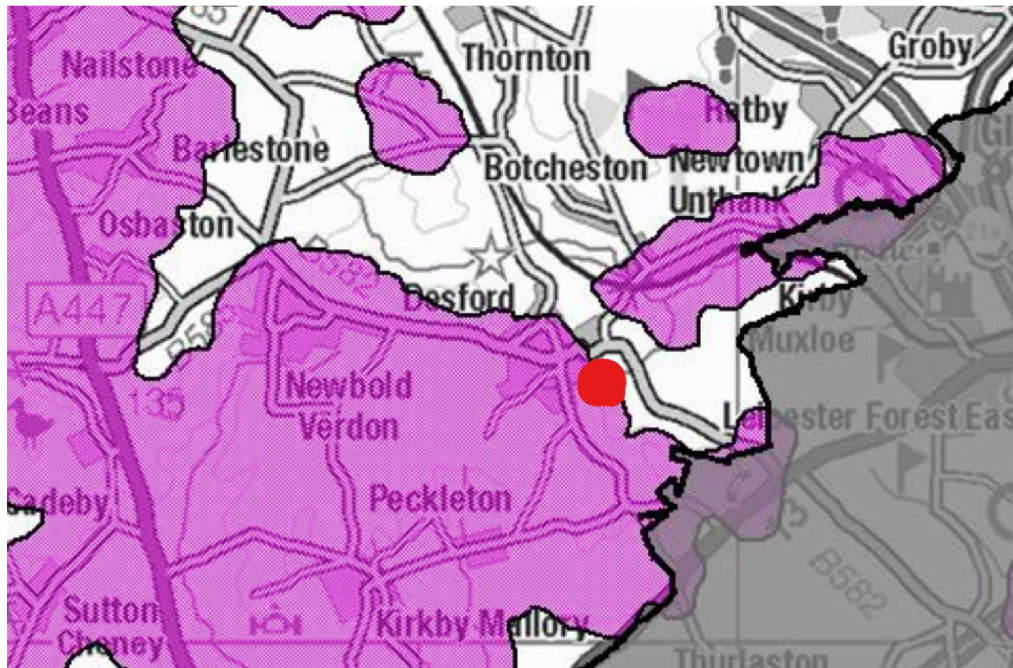


Figure 11: The Wider MSA

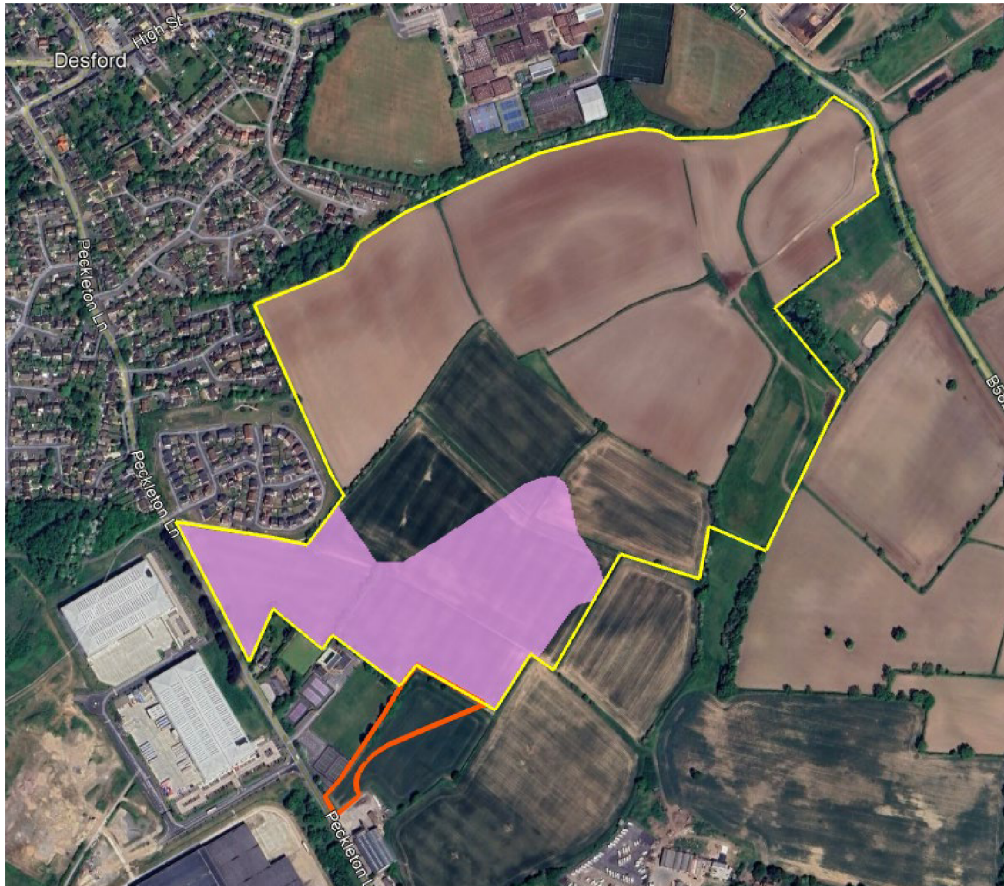


Figure 12: BGS Geology Viewer Superficial Deposits

- 7.6.4 It is considered therefore that there would be no conflict with extracting any recoverable mineral in the wider MSA.

7.7 Compliance with other Policies

- 7.7.1 Paragraph 225 of the NPPF states that local planning authorities should not *normally* permit other development proposals in MSAs where they might constrain potential future use for these purposes. The policy does not impose a blanket restriction on other development. The test is whether the development proposals might constrain future extraction.
- 7.7.2 There is no prospect of prior extraction of minerals.
- 7.7.3 It would be impossible to extract the full extent of the potential mineral resources within the application Site due to constraints and the requirement for mitigation. This renders whatever mineral reserve remains of no potential value.
- 7.7.4 There is an overriding need for the residential development in this locality.

- 7.7.5 Under these circumstances, it is considered that allowing the proposed development would not conflict with the intentions of policy in the NPPF or the extant or emerging minerals policies.

8 CONCLUSIONS

8.1 Conclusions from this Report

- 8.1.1 The proposed housing site area lies within a Mineral Safeguarding Area, which extends beyond the site boundary.
- 8.1.2 In this instance the environmental considerations include the impact on the adjoining residential development and sports facility and need for importation of waste/infill materials to restore the site.
- 8.1.3 There are also constraints on part of the Site in the form of public footpaths.
- 8.1.4 There is no conflict with LMWLP Policy M11 as:
- There is no potential value in extracting the minerals, the extent and nature of which would not be commercially viable;
 - There is no prospect of prior extraction;
 - The introduction of housing would not result in proximal sterilisation of the wider MSA, and
 - There is an overriding need for the development.
- 8.1.5 There is no prospect of minerals ever being worked in the future, so there is no conflict with paragraphs 224 and 225 of the NPPF.
- 8.1.6 There is also a clear need for the housing development.
- 8.1.7 Overall, the proposed development is consistent with policies in NPPF and the Leicestershire Minerals and Waste Local Plan.

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