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GLADMAN DEVELOPMENTS LTD

LAND OFF YORK CLOSE, MARKET BOSWORTH

MINERAL RESOURCE ASSESSMENT

JUNE 2024

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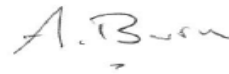
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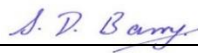
PREPARED BY:

Adam Burn Principal Planner



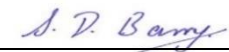
REVIEWED BY:

Stephen Barry Technical Director



APPROVED BY:

Stephen Barry Technical Director



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DRAWINGS	TITLE	SCALE
GM13363-001	Superficial Geology	1:2,500 @A3

EXECUTIVE SUMMARY

This Mineral Resource Assessment has been prepared to support a planning application for a proposed housing development on land west off York Close, Market Bosworth. The site is located in a Mineral Safeguarding Area and so should be accompanied by a mineral resource assessment.

The site comprises 5.62 hectares of agricultural land, and one house on York Close. British Geological Survey (BGS) online geological maps show that the superficial geology of the site largely comprises sand and gravel and minor areas of clay and silt and diamicton. The bedrock geology comprises mudstone. The sand and gravel is a safeguarded mineral resource as part of the adopted Development Plan for the area.

As a result of under supply, sand and gravel is currently considered to be of economic importance in the area, although there are a number of applications awaiting determination. Consequently, whilst sand and gravel is present at the site, there are more appropriate sites in Leicestershire where mineral extraction would be more environmentally acceptable. The site is located near to road networks and housing development as part of the settlement of Market Bosworth. Proximal sterilisation has already occurred due to surrounding development which also presents significant environmental constraints to mineral extraction, in particular adverse impact on residential amenity and local road networks. There is also considered to be an overriding need for the proposed housing development when balanced against the need for the minerals due to the current under supply of housing need locally and nationally, and mineral supply being able to be met through allocated, and more suitable, sites.

We consider that the proposed development satisfactorily meets the criteria of Policy M11 of the Minerals and Waste Local Plan for development to be acceptable in a Mineral Safeguarding Area.

1 INTRODUCTION

1.1 Terms of Reference

- 1.1.1 Wardell Armstrong LLP has been instructed by Gladman Developments Ltd to prepare a Mineral Resource Assessment (MRA) in support of a planning application for a proposed residential development on land off York Close, Market Bosworth, CV13 0NB.
- 1.1.2 The site boundary is shown on Appendix 1 - Location Plan and the site has a total area of 5.62 hectares. The site comprises two agricultural fields used for pasture, and one dwelling on York Close. The field boundaries are bounded by hedgerows and trees.
- 1.1.3 Residential properties are located to the immediate north of the site with agricultural land to the west, south and east, including a rural property to the east beyond Shenton Lane.

2 GEOLOGY

- 2.1.1 Geologically, there is a distinction between 'superficial deposits' and 'bedrock geology'. Superficial deposits, such as sand and gravel, are found at, or close to, the surface, whereas the solid bedrock beneath the superficial deposits is called the 'bedrock geology'.
- 2.1.2 Superficial deposits are the youngest geological deposits formed during the most recent period of geological time, (the Quaternary), which extends back about 2.6 million years from the present.
- 2.1.3 Bedrock geology is a term used for the main mass of rocks forming the earth that are present everywhere, whether exposed at the surface in outcrops or concealed beneath superficial deposits or water.

2.2 Superficial Geology

- 2.2.1 The British Geological Survey (BGS) online geological map shows that there are three separate superficial deposits underlying the site. An extract of this is shown on drawing GM13363-001.
- 2.2.2 The superficial deposit on the site is sand and gravel (Glaciofluvial Deposits) which formed between 860,000 and 116,000 years ago during the Quaternary period. A

small area of clay and silt (Bosworth Clay Member) and diamicton (Oadby Member) is located on top of the sand and gravel near to the northern site boundary.

2.3 Solid Geology

- 2.3.1 The BGS online geological map shows that the bedrock geology underlying the site area is mudstone (Gunthorpe Member). This sedimentary bedrock formed between 247.1 and 237 million years ago during the Triassic period.

3 MINERAL SAFEGUARDING POLICY

3.1 Adopted Development Plan

- 3.1.1 The site is located entirely within the administrative boundary of Hinckley and Bosworth Borough Council (HBBC) and Leicestershire County Council (LCC). The local planning authority for the area is HBBC and the mineral planning authority is LCC. As such, the adopted Development Plan Documents (DPD) that are pertinent to the site and proposed development are the following:

- Core Strategy (2009)
- Site Allocations and Development Management Policies (2016)
- Leicestershire Minerals and Waste Local Plan (2019)
- Market Bosworth Neighbourhood Planning Area (2015)

3.2 Other Material Considerations

National Planning Policy and Guidance

- 3.2.1 The National Planning Policy Framework (NPPF), as revised and updated to December 2023, sets out the Government's planning policies for England and is a key material consideration in the determination of any application for planning permission.
- 3.2.2 National Planning Practice Guidance (NPPG) is a web-based resource which provides planning guidance on a range of subject areas relevant to the NPPF.

Emerging Development Plan Documents

- 3.2.3 The emerging Hinckley and Bosworth Local Plan 2020-2041 is currently being prepared. There is also a number of recently published documents of supporting evidence regarding aggregates and housing to support the examination process. The

Local Development Scheme (February 2024) states that it is currently anticipated that the emerging plan will be adopted by February 2026.

- 3.2.4 The Leicestershire Minerals and Waste Local Plan (MWLP) has recently undergone a review to ensure the policies within are up to date. The review was completed in November 2022 and found that, in the main, the adopted policies are performing satisfactorily.

3.3 Relevant Planning Policy

- 3.3.1 For the purpose of this MRA, the Leicestershire Minerals and Waste Local Plan (2019) is considered to be the most relevant. Other Development Plan Documents do not detail mineral matters.

- 3.3.2 The key policy that is considered relevant to this assessment is the following:

- Policy M11: Safeguarding of Mineral Resources

“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.

Planning permission for mineral extraction that is in advance of approved surface development will be granted where the reserves would otherwise be permanently sterilised provided that operations are only for a temporary period. Where planning permission is granted, conditions will be imposed to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented”.

- 3.3.3 The full policy is attached at Appendix 2 - Policy M11 (Safeguarding of Mineral Resources). The review of the Minerals and Waste Local Plan found that it was not considered necessary to update Policy M11 and is considered to reflect the requirements in the NPPF and NPPG.

3.4 Planning Policy Compliance

- 3.4.1 The site is located within a sand and gravel Minerals Safeguarding Area (MSA), as designated under policy M11, and as seen in Appendix 3 - Mineral Safeguarding Area (Hinckley and Bosworth Borough). This policy states that planning applications for non-mineral development within an MSA should be accompanied by a mineral assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it. This MRA has been prepared in response to this requirement.
- 3.4.2 The main purpose of an MSA is to protect a mineral resource for future generations. These areas are to be protected from permanent and needless sterilisation by non-mineral development. Sand and gravel MSAs include a buffer zone of 200 metres to ensure an adequate safeguarding margin. It is important to note that there is no presumption in favour of minerals development within a MSA, and equally there is no presumption that non-mineral development within a MSA is automatically precluded.
- 3.4.3 Planning permission will be granted for development that is incompatible in MSAs subject to specific criteria being satisfied. There is no set definition of incompatible development, but it is considered to be those developments that are likely to prejudice or prevent the future extraction of minerals within the MSA.

Policy M11(i)

- 3.4.4 The County Council has identified the designated MSAs as areas of current or future economic importance. It is recognised that just because there may be no economic need for the minerals now, that may not be the case in the future.
- 3.4.5 The Leicestershire County Council - Local Aggregate Assessment (LAA) (September 2023) finds that there is a shortfall of 7.67 million tonnes of sand and gravel reserves over the period 2022-2031. However, a number of applications have recently been submitted, but are awaiting determination. This has reduced from a shortfall of 10.56 million tonnes as detailed in the previous LAA. Policy M1 of the MWLP states that the allocated extensions to existing sand and gravel quarries would be able to meet the required need, which at the time was measured at 9.53 million tonnes between 2014-2031.
- 3.4.6 The specific quality and value of the underlying mineral is unknown. Whilst the mineral is potentially of economic value itself, the site is not considered to be suitable for an economically viable extraction process prior to housing development, as discussed below.

Policy M11(ii)

- 3.4.7 Given the location of the site, we consider that the mineral could not be satisfactorily extracted prior to development taking place. This is due to it being environmentally unacceptable as a result of the site already being indirectly sterilised by the proximity of residential property to the north. Any mineral extraction would be required to have a significant buffer zone from housing, which would sterilise much of the site area. The potential removal of minerals from the site would also generate significantly more vehicle movements than if the site were to be developed with the minerals in situ. Any prior extraction of mineral from the site would result in an unreasonable delay in the construction and occupation of much-needed housing. Given the current status of housing need, paragraph 7 of the NPPF encourages Councils to require housing development to begin in shorter timeframes than the relevant default period, without threatening its deliverability or viability. Consequently, prior extraction of sand and gravel is not considered feasible or desirable in this location.

Policy M11(iii)

- 3.4.8 Housing is generally considered permanent development and as a result of anticipated engineering works required to carry out the proposed development, it is not

considered to be a temporary development. The site is not located near to any existing quarries and so the proposed housing would not have a sterilising impact on any potential future quarry expansions and mineral supply, nor would the site be subject to a shortened lifespan due to pressure from expanding quarries.

Policy M11(iv)

- 3.4.9 The UK Government intends to significantly boost the supply of homes. Policy 11 of the Core Strategy states that to support the local services in Market Bosworth and maintain rural population levels, the Council will allocate land for the development of a minimum of 100 new homes. The latest housing trajectory and five-year housing land supply is from April 2022 which finds that HBBC currently has a 4.89 year housing supply, below the five year threshold required under the paragraph 76 of the NPPF. An updated SYLS report is currently being prepared according to the most recent Residential Land Availability Monitoring Statement (2023) which finds that given a strong period of housing delivery, the annual average delivery is now back to meeting the Core Strategy target. However, the Core Strategy is more than five years old and has not been reviewed.
- 3.4.10 There are a number of sites within Market Bosworth identified in the Strategic Housing and Economic Availability Assessment (SHELAA) (2020), showing the potential of the area to support the delivery of the ambitious UK Government housing target. A number of other sites in Market Bosworth have also been highlighted in the SHELAA with some also currently proposed to be part of the emerging Hinckley and Bosworth Local Plan 2020-2041 which are not guaranteed to come forward but does further highlight the need for housing in the local area.
- 3.4.11 The site is located adjacent to an existing settlement that is considered important in the adopted Development Plan and in need of housing, so the proposed development would not result in needless sterilisation. On balance, it is considered that there is an overriding need for the proposed development in this location, over and above the likelihood of the minerals being extracted from the site in future.

Policy M11(v)

- 3.4.12 The proposed development is not considered to be exempt from safeguarding.

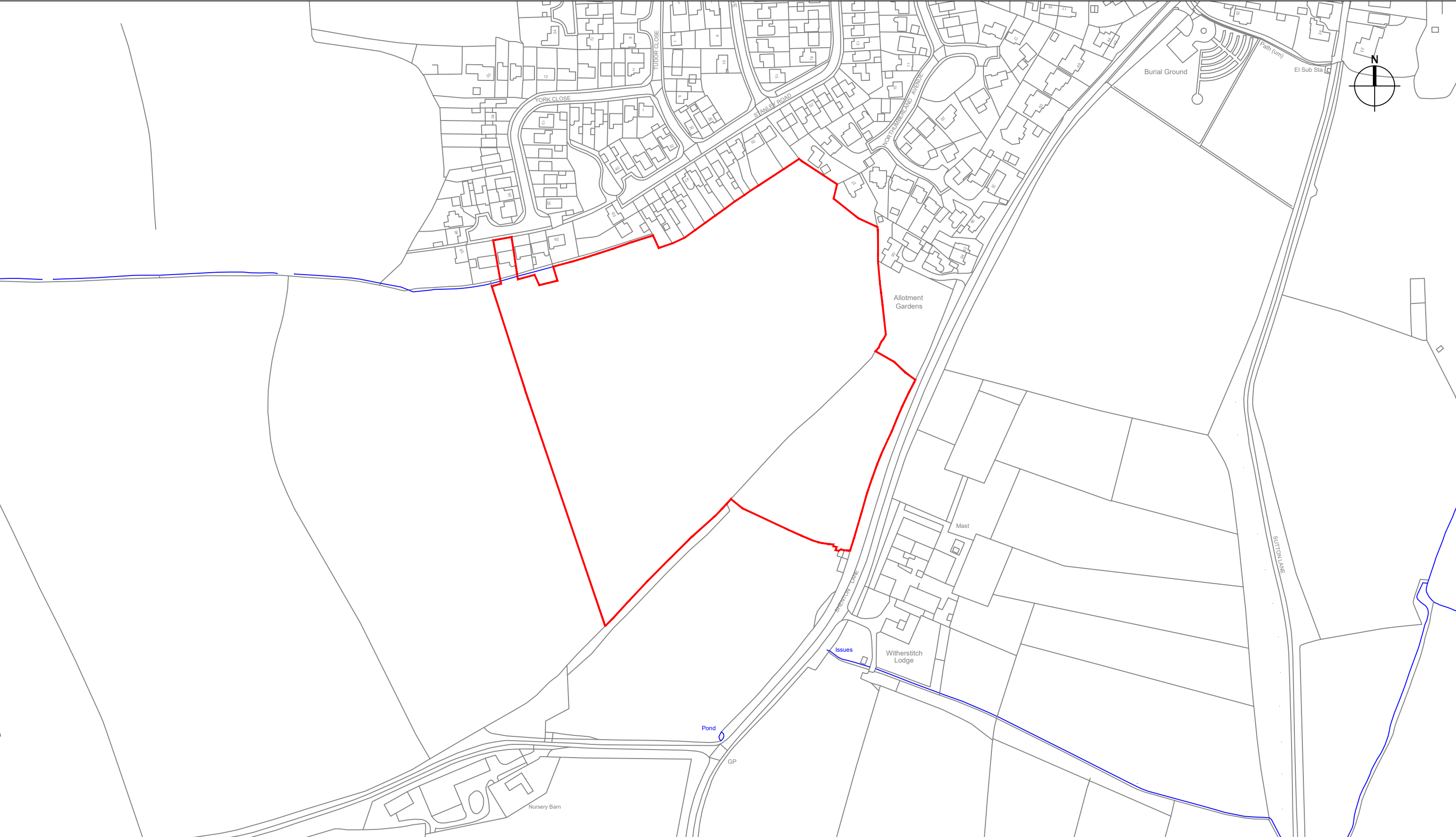
4 CONCLUSION

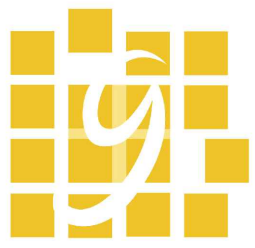
- 4.1.1 This MRA has assessed the proposed housing development on land of York Close, Market Bosworth against mineral safeguarding policy. The site is located within a sand and gravel MSA and so any non-minerals development in this area is required to be accompanied by a relevant mineral assessment.
- 4.1.2 LCC currently identifies an economic need for sand and gravel extraction due to supply concerns, although a number of applications have recently been submitted for mineral extraction. However, the site is not considered to be economically viable due to proximal sterilisation and environmental constraints that would limit commercial extraction.
- 4.1.3 There is also considered to be an overriding need for the proposed development due to the local need for housing in the area when balanced with the little likelihood of the site coming forward for mineral extraction when there are other, more suitable, sites allocated in the adopted Development Plan.
- 4.1.4 Overall, we consider that the proposed development complies with policy M11 of the MWLP and so it would be acceptable from a mineral safeguarding perspective.

APPENDICES

Appendix 1

Location Plan



 GLADMAN Gladman House, Alexandria Way Congleton Business Park Congleton, Cheshire CW12 1LB Tel: 01260 288800 Fax: 01260 288801 www.gladman.co.uk								Project					Drawn by SB	Issue date 21.05.2020
A	17.04.24	PR	Access via 35 York Close		Shenton Lane, Market Bosworth	Location Plan					Title checked by SB	Title checked date 21.05.2020		
Rev	Date	By	Revision notes	Highways checked by CHECKED BY							Highways checked date CHECKED_DATE			
Status Information				Topo checked by CHECKED BY							Topo checked date CHECKED_DATE			
				Scale(s) 1:2500 @ A3										
								Drawing No 2020-030/001A						

Appendix 2

Policy M11 (Safeguarding of Mineral Resources)

Minerals Safeguarding

Safeguarding Mineral Resources

- 3.87 Mineral resources of local and national importance should not be needlessly sterilised by non-mineral development. The main purpose of Mineral Safeguarding Areas (MSA) is to protect a mineral resource for the long term for future generations. An MSA is not a proposed area of extraction and does not mean that mineral extraction proposals will be permitted within the area. It should also be borne in mind that just because there may be no economic need for the minerals now that may not be the case in the future.
- 3.88 The County Council has used work carried out by the British Geological Survey (BGS) for the County Council in 2004 to assess which mineral deposits are of economic importance and where they are located. This work provided broad geological resource information for mineral resources within Leicestershire based on a combination of expert geological opinion and knowledge on the extent of mineral resources, and consultation with the minerals industry.
- 3.89 The County Council has concluded that deposits of sand and gravel, limestone, igneous rock, shallow coal, fireclay, brickclay and gypsum in Leicestershire are of current or future economic importance. The boundaries of the proposed Mineral Safeguarding Areas within the County are shown on figures B1, C1, H1, HK1, M1, M2, N1 and O1 contained within the Mineral and Waste Safeguarding documents produced for each district/borough (references S1/2015 to S7/2015).
- 3.90 Brickclay resources in Leicestershire are extensive and it is not considered that it is justified to safeguard large areas of the outcrop. MSAs have therefore been drawn around existing sites taking account of the resource and existing infrastructure and using clear physical boundaries wherever possible.
- 3.91 The County Council does not have sufficient detailed knowledge of the nature and extent of suitable building stone resources to identify potentially workable materials. The quality of stone and suitability for working as building stone is very variable. The Strategic Stone Study mentioned in paragraph 3.65 above did not assess the extent of potential future building resources within the County. It would therefore be difficult to identify potentially workable building stone resources for safeguarding. In any event, building stone resources mainly occur in countryside locations where the risk of sterilisation by other development is low.
- 3.92 Ironstone deposits in the county are not considered to have any future economic significance as a source of iron, given the decline of the steel industry in the UK and their low grade quality. Whilst they could be

worked as a source of building stone or low quality aggregate, they are not considered to be of current or future economic importance.

- 3.93 It is not proposed to define MSAs for hydrocarbons as prospects can only be identified after extensive exploration activity. In any event, oil and gas deposits are found at much greater depths than other minerals exploited within the County and are therefore less threatened by surface development.
- 3.94 Incompatible development close to a MSA may lead to sterilisation of part of the resource. The County Council proposes to extend the boundary of MSAs beyond the area of the resource to prevent residential development encroaching on a mineral extraction site or future extraction area to the extent that the amenity of residents could be affected by noise, visual intrusion or blast vibration. The proposed MSAs include a buffer zone of 200 metres around sand and gravel resources and 500 metres around limestone resources to ensure an adequate safeguarding margin. Site specific margins are provided for brickclay and igneous rock based on consultation with the minerals industry. The MSA for coal is based on plans produced by the Coal Authority in 2008 showing surface mining potential areas. The MSAs for gypsum cover the existing underground mining permission at the Barrow Mine together with the potential area for an extension to the Nottinghamshire Marblaegis Mine.
- 3.95 The prior extraction of minerals will be supported where it is necessary for non-mineral development to take place and where it can be done in an environmentally acceptable manner. In Leicestershire, such opportunities are probably limited to surface mined coal provided that operations can be completed relatively quickly and extraction and restoration are completed within a reasonable timescale, although the amount of coal that is ever likely to be won under these circumstances will probably be small scale. Other mineral resources that are present do not generally lend themselves to prior extraction in built-up areas because of the nature of their extraction methods, and the possibility of such circumstances arising seems too slim to warrant safeguarding. The proposed MSAs consequently exclude mineral deposits other than surface coal within settlements with a population in excess of 1000 and a minimum area of 20 hectares.
- 3.96 In two-tier planning areas such as Leicestershire, safeguarding of mineral resources can be achieved only through county and district planning authorities co-operating in the exercise of their respective planning functions over land with potential for mineral extraction. This can be facilitated by defining Minerals Consultation Areas (MCA). This will provide the mechanism for district planning authorities to consult the County Council before granting planning permission, on any planning applications they receive for non-mineral developments which fall within the boundary of an MCA, and which would be likely to affect the winning and working of minerals.

- 3.97 The County will therefore define Minerals Consultation Areas (MCA) covering the resources within the Mineral Safeguarding Areas. The MCA will also cover the safeguarding of mineral sites and associated infrastructure (Policy M11). District Planning Authorities within the County will be supplied with a copy of the MCA along with the development criteria that the County Council wish to be consulted on. It will be the responsibility of the District Planning Authorities to ensure that the MCA is used when considering planning applications or proposed developments in a development plan and that the County Council is consulted on developments located within the MCA.
- 3.98 The County Council may advise the District Planning Authority that any development on or near mineral reserves should not proceed before the mineral is extracted, or that steps are taken to avoid sterilisation of the deposit. A realistic judgment about the likelihood of the mineral being worked in an environmentally acceptable manner will be made, and the County Council will not seek to prevent development where it is unlikely that extraction of the mineral would occur in the future. Where mineral deposits are believed to exist but detailed geological information is not available, the existence or otherwise of potentially workable reserves may need to be established by the developer before any application for development that might sterilise the potential deposit is determined.

Table 4: Types of development exempt from safeguarding

Types of development exempt from safeguarding	
(a)	applications for householder development;
(b)	applications for alterations and extensions to existing buildings and for change of use of existing development, unless intensifying activity on site;
(c)	applications that are in accordance with the development plan where the plan took account of the prevention of unnecessary mineral sterilisation and determined that prior extraction should not be considered when development applications came forward;
(d)	applications for advertisement or listed building consent;
(e)	applications for reserved matters including subsequent applications after outline consent has been granted;
(f)	prior notifications (telecoms, forestry, agriculture, demolition);
(g)	Certificates of Lawfulness of Existing Use or Development (CLEUD) and Certificates of Lawfulness of Proposed Use or Development (CLOPUD);
(h)	applications for works to trees; or

- (i) development types already specified in a DPD (Development Plan Document) as exempt from the need for consideration on safeguarding grounds.

Policy M11: Safeguarding of Mineral Resources

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.

Planning permission for mineral extraction that is in advance of approved surface development will be granted where the reserves would otherwise be permanently sterilised provided that operations are only for a temporary period. Where planning permission is granted, conditions will be imposed to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.

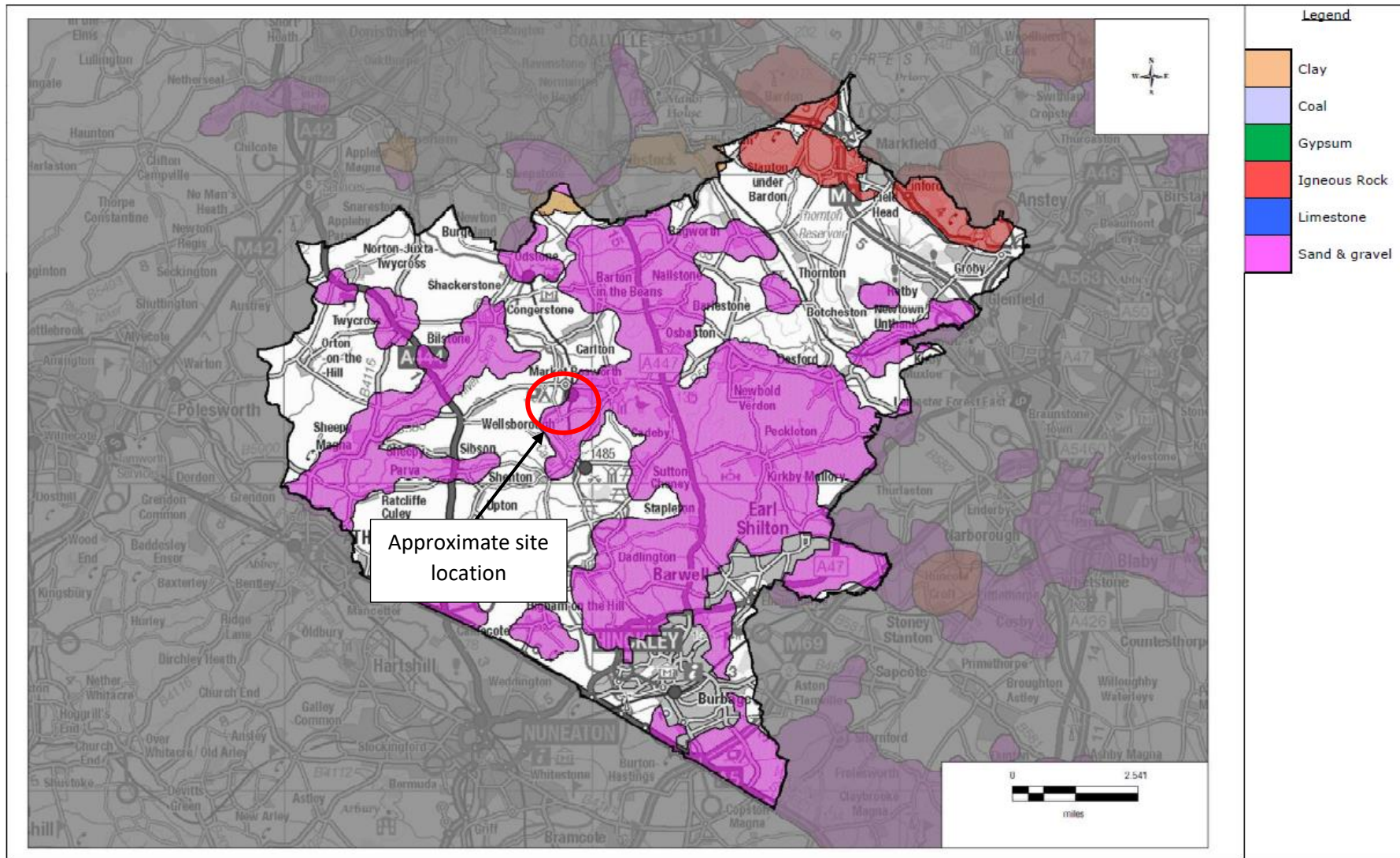
Safeguarding of Existing Mineral Sites and Associated Minerals Infrastructure

- 3.99 The future use of mineral sites and associated infrastructure could be constrained if sensitive developments such as housing are permitted nearby. In order to ensure that the supply of minerals is not interrupted,

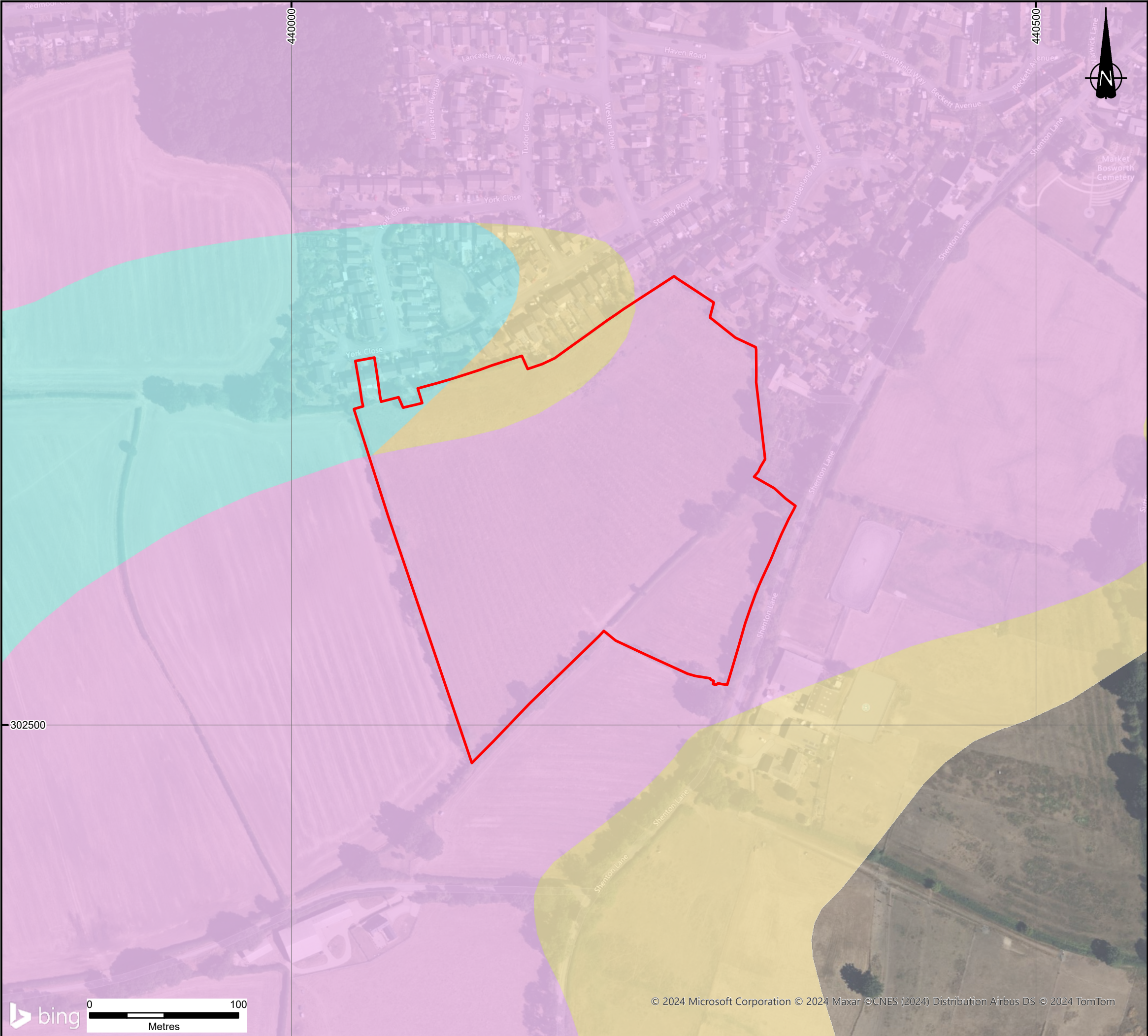
Appendix 3

Mineral Safeguarding Area (Hinckley and Bosworth Borough)

Figure HK1: Areas of borough/district for mineral safeguarding, categorised by mineral type



DRAWINGS



KEY

Site Boundary

Oadby Member - Diamicton

Bosworth Clay Member - Clay and Silt

Glaciofluvial Deposits, Mid Pleistocene - Sand and Gravel

Notes:

Boundaries are indicative. Site Boundary digitised from Drawing 2020-030/001A 'Location Plan'

Aerial imagery shown for context purposes only.

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wardell
armstrong

STOKE-ON-TRENT

Sir Henry Doulton House
Forge Lane
Etruria
Stoke-on-Trent
ST1 5BD
Tel: +44 (0)1782 276 700

BIRMINGHAM

Two Devon Way
Longbridge Technology Park
Longbridge
Birmingham
B31 2TS
Tel: +44 (0)121 580 0909

BOLTON

41-50 Futura Park
Aspinall Way
Middlebrook
Bolton
BL6 6SU
Tel: +44 (0)1204 227 227

BRISTOL

Desk Lodge
2 Redcliffe Way
Bristol
BS1 6NL
Tel: +44 (0)117 203 4477

BURY ST EDMUNDS

Armstrong House
Lamdin Road
Bury St Edmunds
Suffolk
IP32 6NU
Tel: +44 (0)1284 765 210

CARDIFF

Tudor House
16 Cathedral Road
Cardiff
CF11 9LJ
Tel: +44 (0)292 072 9191

CARLISLE

Marconi Road
Burgh Road Industrial Estate
Carlisle
Cumbria
CA2 7NA
Tel: +44 (0)1228 550 575

EDINBURGH

Great Michael House
14 Links Place
Edinburgh
EH6 7EZ
Tel: +44 (0)131 555 3311

GLASGOW

24 St Vincent Place
Glasgow
G1 2EU
Tel: +44 (0)141 428 4499

LEEDS

36 Park Row
Leeds
LS1 5JL
Tel: +44 (0)113 831 5533

LONDON

Third Floor
46 Chancery Lane
London
WC2A 1JE
Tel: +44 (0)207 242 3243

NEWCASTLE UPON TYNE

City Quadrant
11 Waterloo Square
Newcastle upon Tyne
NE1 4DP
Tel: +44 (0)191 232 0943

TRURO

Baldhu House
Wheal Jane Earth Science Park
Baldhu
Truro
TR3 6EH
Tel: +44 (0)187 256 0738

International office:

ALMATY

29/6 Satpaev Avenue
Hyatt Regency Hotel
Office Tower
Almaty
Kazakhstan
050040
Tel: +7(727) 334 1310