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Our Ref: 15981

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Dear Laura,

HEATH ROAD SOLAR FARM: RESPONSE TO LEICESTERSHIRE COUNTY COUNCIL MINERALS AUTHORITY STATUTORY CONSULTATION COMMENTS

LAND AT HEATH ROAD BAGWORTH HEATH BAGWORTH LEICESTERSHIRE

Introduction

Thank you for your assistance to date on the Heath Road Solar Farm ('the Proposed Development') planning application (ref. 25/00692/FUL), which was submitted to Hinckley and Bosworth Council ('the Council') on 10 July 2025, and validated by the Council on 1 August 2025. The Proposed Development is located on land at Heath Road, Bagworth, together with cable route and point of connection to the northwest ('the Site').

This letter has been prepared in response to Leicestershire County Council ('LCC') Mineral Authority comments received during statutory consultation on 9 September 2025 and 22 October 2025 regarding minerals safeguarding considerations and the theoretical need for future mineral extraction at the Site. It should be read in conjunction with the revised Mineral Assessment (prepared by BWB, dated February 2026)

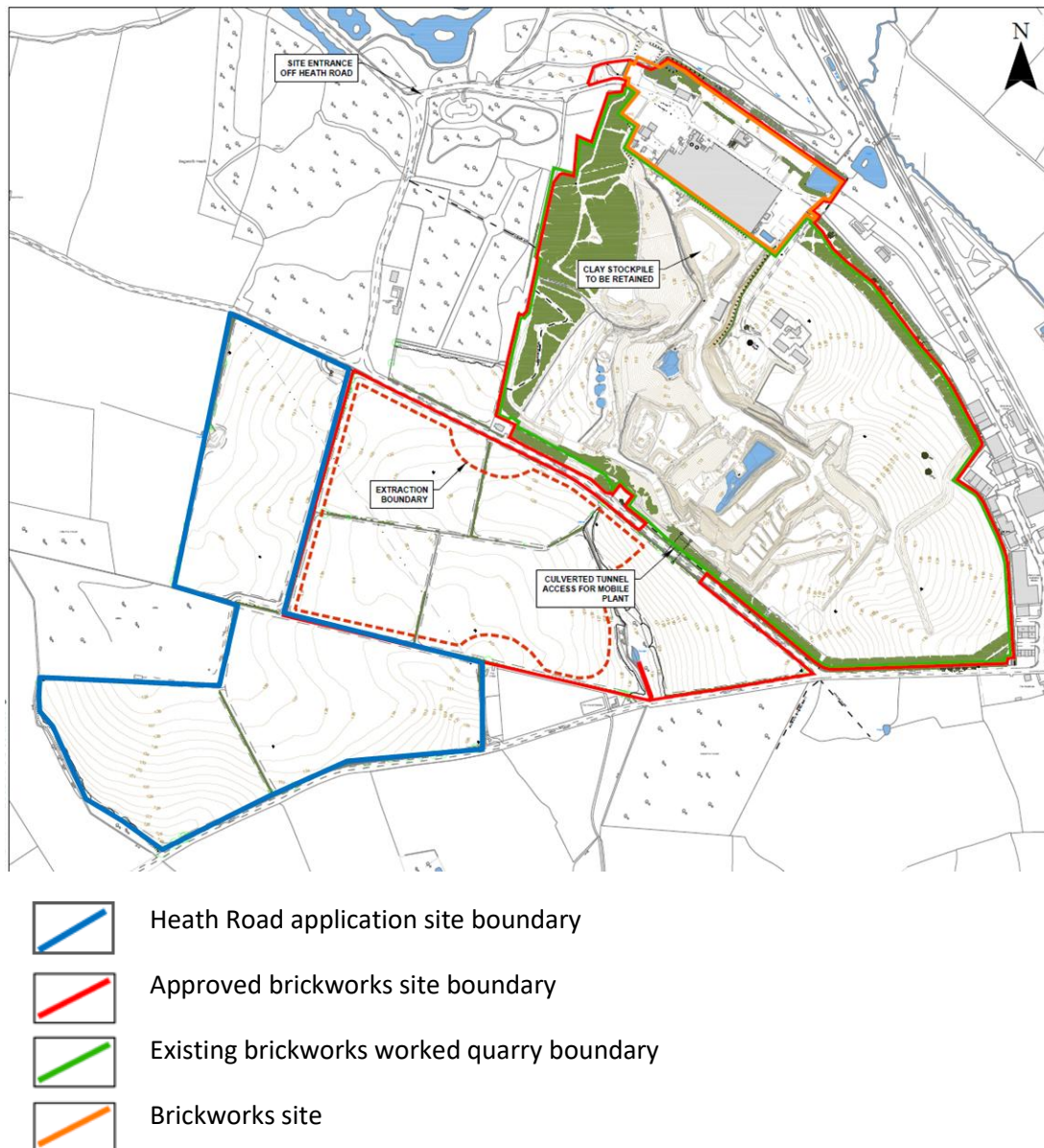
Proposed Development and Site context

The Proposed Development is the construction, operation, maintenance and decommissioning of a ground mounted solar farm, with a temporary operational lifespan of 40 years.

The Site is located partly within a Mineral Safeguarding Area ('MSA') for the protection of 'Sand and Gravel' as aggregate minerals.

An active clay quarry is present approximately 450 m north-east of the Site and an extension to it was approved in 2019 (LCC ref. 2018/CM/0110/LCC) (See Figure 1). The extension covers the area directly bordering the Site to the east. It should be noted the original clay quarry and extension cover a larger area of glaciofluvial sand and gravel deposits. Notwithstanding, the Site is in an MSA for Sand and Gravel extraction and not clay extraction.

Figure 1. Relationship of the Proposed Heath Road solar farm site and the Brickworks (existing and approved) site boundary



LCC Minerals Authority Comments

On 9 September 2025, LCC Minerals Authority provided comments on the planning application which stated no objection from a minerals and waste safeguarding perspective. LCC stated it was satisfied with the conclusions of the submitted Minerals Assessment with regards to Policy 11 of the Leicestershire Minerals and Waste Local Plan (LMWLP), and which concluded that there are only two pockets of suitable sand and gravel mineral deposit within the site, that these would not be economically viable to extract, and that the Proposed Development is temporary in nature and would not permanently sterilise future mineral extraction.

On 22 October 2025, a further submission was provided by LCC Minerals Authority to revise its previous comment citing concerns of:

- The site contains reserves of brick clay which are not identified as an MSA but could support the continued operation of the Desford Brickworks in the future as the Proposed Development would be where workable deposits are present;
- The Minerals Assessment does not assess bedrock clay deposits, which geological investigations by Forterra Building Products Ltd has confirmed presence of viable mudstone (brick clay) beneath the Site;
- Despite the temporary nature of the Proposed Development with a lifespan of c. 40 years, it would sterilise the proven clay resource beyond the 16.7-year extraction period for the approved clay quarry extension (LCC Ref 2024/EIA/0081/LCC) and inhibits future extension of the clay quarry.

It concludes that the Proposed Development does not adequately address the implications of mineral sterilisation, particularly in relation to the proven brick clay reserves and conflicts with Policy M12 of the LMWLP and NPPF paragraphs 224-227.

Policy Context

There is no local policy regarding mineral safeguarding and safeguarding of existing mineral sites however local policy supports renewable energy and low carbon development.

Spatial Objective 12 (Climate Change and Resource Efficiency) of the Hinckley and Bosworth Core Strategy DPD 2009 seeks to increase the use of renewable energy technologies and minimise pollution. Policy DM2 (Delivering Renewable Energy and Low Carbon Development) of the Hinckley and Bosworth Development Management Policies ('DMP') 2016, provides support for mitigating against climate change and reducing carbon emissions, stating that HBBC is *"committed to reducing its environmental impact through carbon reduction measures and through the support of appropriately designed and sited renewable energy and low carbon developments"*. It continues by noting that *"Planning applications for the development of renewable energy and low carbon development installations at the domestic, community and commercial scales will be supported where:*

a) All reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape, noise, visual and cumulative impacts; and

b) The proposed development accords with other policies of this plan, with specific regard to DM11 and DM12."

County policy

Policy M11 (Safeguarding of Mineral Resources) of the LMWLP allows for non-mineral development in an MSA under certain circumstances, including where it can be shown to be temporary and that the land would be restored. It 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.

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.”

Policy M12 (Safeguarding of Existing Mineral Sites and Associated Minerals Infrastructure) of the LMWLP goes on to state:

“Significant infrastructure that supports the supply of minerals in the County will be safeguarded against development that would adversely affect operations at an existing mineral site and the use of associated mineral infrastructure by creating incompatible land uses nearby.”

National Policy

National Planning Policy Framework (‘NPPF’) Paragraph 225 states that *“Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working”*.

Para 227 goes on to state: *Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:*

- a) co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes;*
- b) encouraging safeguarding or stockpiling so that important minerals remain available for use;*
- c) 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 equipment⁸¹; and*
- (d) taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.*

Footnote 81 to para 227c explains that reserves for brick clay should be at least 25 years. It is acknowledged that draft NPPF Policy M1 ‘Planning for a Sufficient Supply of Minerals’, which seeks to

consolidate existing NPPF paras 222, 223(a) & (b), 224(a), 226, 277(a), (c), (d) and 228(a), would (if adopted) revise the mineral reserve requirements for brick clay to at least 25 years¹.

The need for solar

The UK Government has committed to meeting a legally binding target of net-zero carbon emissions by 2050, which now includes an accelerated political target of 2030 for a net zero electricity system under the Labour Government, known as Clean Power 2030. The Government's 'Clean Power 2030' document (released in December 2024) recognises that solar plays a key role in this target, and there is currently 16.6 Gigawatts ('GW') of solar capacity in the UK with 23.8GW within committed projects or being constructed. The Government expect at least a further 21.2GW in deployment within just 6 years to reach their target of 45-47 GW, by 2030. The above requires a monumental increase in installed capacity within a very short timeframe.

Hinckley and Bosworth Borough local policy is in favour of renewable energy as a means to tackle climate change with the Council declaring a Climate Emergency in July 2019 and a Biodiversity Emergency in July 2023. Furthermore, the Council aims to be carbon neutral by 2030 (direct council emissions) and to ensure the borough is net zero by 2050². One of the key areas for action is to "Promote the use of renewable energy/energy reduction and investigate opportunities for carbon capture and storage". This includes a commitment to: *"develop the Local Plan to include policies for climate change mitigation and adaptations to relevant developments, and support, where appropriate, the potential installation of new solar farms and renewable energy schemes"*. Page 3 of the Strategy states: "We will continue to support, where possible, the installation of solar farms".

To achieve these national and local targets, major investment is needed in proven renewable energy technologies, such as solar energy, across all local areas, which are supported by planning policy at the local and national level.

It should be noted that the Applicant has an accepted point of connection with NGED (the DNO) with a connection date expected to be achieved in 2027-2032, connecting into an existing electricity pylon/tower approx. 1km northwest of the Site. As such, the Proposed Development would utilise available grid capacity on this overhead powerline, which is a short distance from the Proposed Site, and that connection could be brought online feasibly within 2 years / a short timeframe (if a positive determination is received). It is very important to emphasise the benefit that this offers as limited opportunities currently exist for grid connections nationally and it is therefore considered to be a material consideration.

When viewing the need for renewable energy infrastructure as a material consideration, it is our view that the need for the Proposed Development overrides the presumption for safeguarding minerals and existing mineral site as required by Policies M11 and M12 of the LWMLP. For more information on the need and benefits of the Proposed Development, please refer to the Section 2.0 of the submitted Planning, Design and Access Statement ('PDAS').

¹ MHCLG NPPF: draft text for consultation, 16 December 2025, available at <https://www.gov.uk/government/consultations/national-planning-policy-framework-proposed-reforms-and-other-changes-to-the-planning-system>

² Hinckley and Bosworth Climate Change and Biodiversity Strategy 2024 to 2028

Safeguarding existing mineral sites and infrastructure

It is acknowledged that the existing clay quarry has enough brick clay to last until 2030 and the granted planning permission for its expansion would provide circa 16.7 years supply of mineral reserve beyond that time.

The revised Mineral Assessment acknowledges that there are reserves of potentially viable brick clay present beneath the Proposed Site. The BGS mapping (Figure 2 below) indicates that the Edwalton Member³ (mudstone) is over the Gunthorpe Member⁴ (mudstone), separated by a thin band of sandstone (Cotgrave Member). The Gunthorpe Member is generally considered a better for brick production while the Edwalton Member tends to require more processing and blending with other clays to achieve suitable brickmaking properties. The Mineral Assessment also concludes that Gunthorpe Member will be located at an increasing depth across the west of the Proposed Site due to increasing thicknesses of both Till and Edwalton Member which may reduce the economic viability of using the Proposed Site for brick clay extraction, particularly in western parts. Depths of up to 15m would typically be considered most viable, and deposits below 30m are rarely worked.

Further to this, the revised Mineral Assessment explains that both the Gunthorpe and Edwalton Members of the Meia Mudstone comprise the bedrock of the majority of the surrounding area, and is therefore widely available. This point is acknowledged in County policy with the LMWLP acknowledging the extensive nature of brick clay reserves in the region surrounding the Proposed Site as supported by Figure 2 below: *“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.”* (Para 3.90, Minerals Safeguarding Chapter). As such, it is considered that brick clay reserves are not in short supply within the surrounding region of the Proposed Site and the quarry such that the Site would sterilise future clay extraction of the existing clay quarry within the surrounding area.

The updated Mineral Assessment also explains that there has been an increase in demand for brick-clay and brick manufacture at a national scale, largely due to demand in the domestic housing sector. Although brick clay extraction is geographically constrained, it is widely available nationally with 50 works producing clay in the UK, and the presence of workable clay on this Site does not, in isolation trigger safeguarding considerations.

As mentioned previously, the Proposed Development is considered temporary development, seeking approval for a 40-year operational lifespan. The decommissioning and removal of infrastructure, and site restoration after 40 years could be secured by a suitably worded planning permission (See example below). Further to this, the depth of solar panel foundations (up to 1 m depth) and other infrastructure or cable trenches (approx. 2-3m depth) would not be so deep so as to conflict with any brick clay reserves within the Proposed Site which would sit at depths of >15 and up to 30m. This means that if there is any material change in the need for / need to access brick clay reserves in the future, then extraction of brick clay mineral would not be sterilised on the Proposed Site.

³ Edwalton Member is defined as mudstone and siltstone, red-brown and greenish grey, with beds (skerries) of indurated variably dolomitic siltstone, and very fine-grained sandstone common in the lower half; finely disseminated gypsum is common in the upper half (c. 35-45m thick).

⁴ The Gunthorpe Member is defined as mudstone, red brown with subordinate dolomitic siltstone and fine-grained sandstone, greenish grey, common gypsum veins and nodules

Recent case law⁵ for limestone safeguards, the Inspector concluded that ground mounted solar farms are temporary and reversible, and therefore do not conflict with mineral resource supply, stating: *“in terms of environmental or amenity considerations likely to be associated with extraction of the mineral resource and given the temporary and reversible nature of the development, the scheme’s impact on local mineral resource supply is considered negligible.”*

Notwithstanding the above, it is important to stress that clay extraction is not safeguarded under the MSA which applies to part of the Proposed Site, and therefore there is no policy designation/protection for this resource.

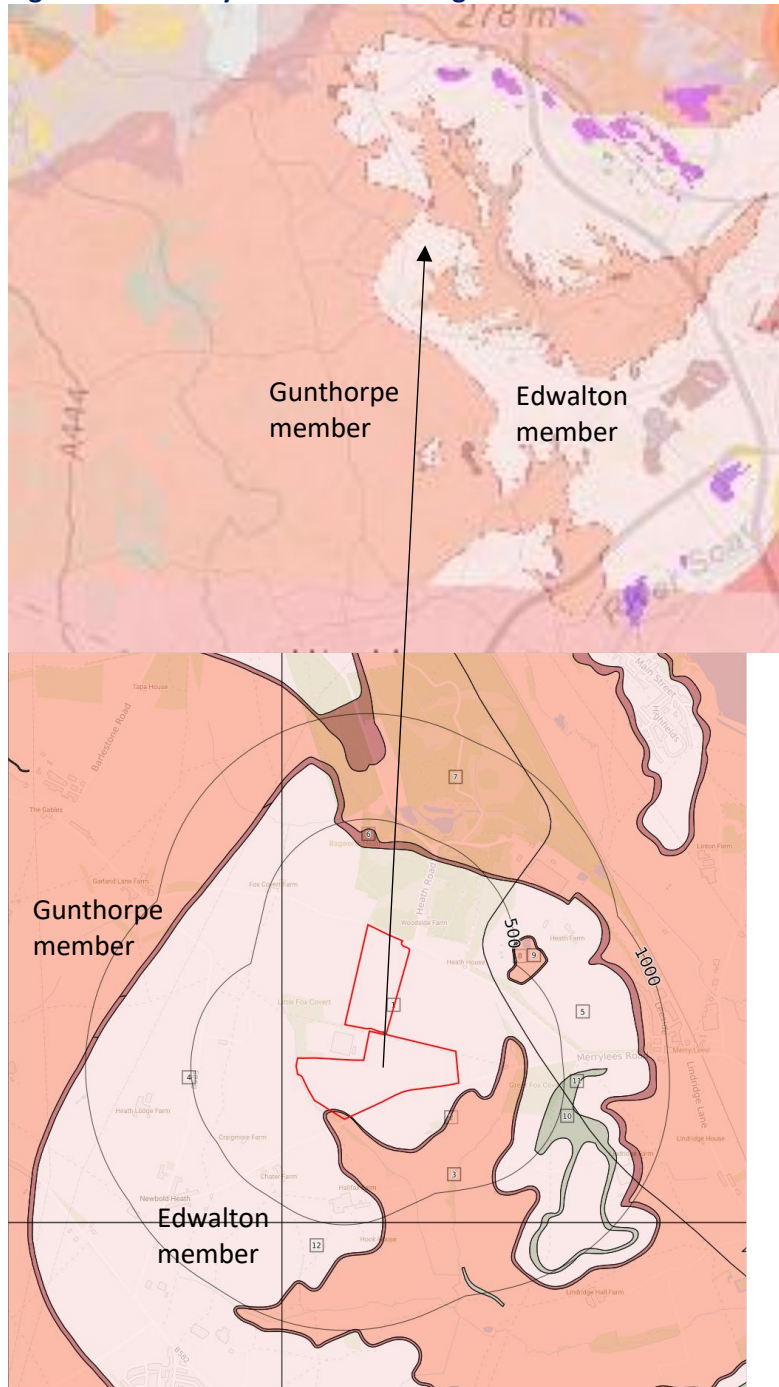
Any future development of the Proposed Site would be subject to landowner agreement, for which the Applicant benefits for the purposes of a Proposed Solar Farm.

For the above reasons, it is considered that the Proposed Development would not prejudice the ongoing use or future potential of existing mineral sites in the Leicestershire County area, and is therefore in accordance with LMWLP Policy M12.

Further to this, at its closest point, the Site lies approximately 250 metres (‘m’) from residential properties to the north at Woodside Farm, with other properties approx. 400 m to the south-west along Merrylees Road and approx. 750 m to the west along Bagworth Road. Any mineral extraction activity would generate significant levels of noise, dust, vibration and heavy vehicle movements, far exceeding the limited operational impacts associated with the Proposed Development. These impacts would contradict Policy DM7 (Preventing Pollution and Flooding) and Policy DM10(b) of the DMP, and draft Policy SP08 (High Quality Design of the emerging Draft Local Plan 2020-2041 (Regulation 18, published 2024) which require the protection of residential amenity from unacceptable adverse impacts, such as noise or vibrations, poor air quality and that occupiers would not be adversely affected by activities in the vicinity of a site. For these reasons, it is not considered that the use of the Proposed Site for a solar farm would be an incompatible land use as it does not require the same amenity considerations as say residential development.

⁵ Appeal Reference DNS 3273713, Land at Pen Onn Farm, Llancarfan, approved 12/05/2025

Figure 2. Brick clay reserves in the region



Source (top): British Geological Society, <https://webapps.bgs.ac.uk/memoirs/docs/B06819.html>, of the Leicester district,

Source (bottom): Groundsure Report contained within the original and revised Mineral Assessment, by BWB.

Planning Balance

The Proposed Development is a temporary and fully reversible form of infrastructure that can be completely decommissioned and restored at the end of its operational life. Whether operational for 30 or 40 years, the Site will be returned to its current condition, meaning there would be no permanent sterilisation of mineral resources.

The Proposed Development also constitutes essential strategic energy infrastructure, which is recognised nationally and locally as critical to achieving a secure, flexible and decarbonised electricity system. This significantly strengthens the applicability of Policy M11 of the LMWLP as essential infrastructure is permitted within MSAs when justified by overriding public interest and where development is temporary and reversible, as is the case here.

When applying the broader planning balance, it is clear that the material considerations in favour of the Proposed Development significantly outweigh the limited and largely theoretical minerals safeguarding concerns. The urgent national need for large-scale renewable energy investment and deployment, driven by the Clean Power 2030 commitment and the statutory 2050 net zero target, is substantial. The development directly supports the decarbonisation of the national electricity system and aligns with Hinckley and Bosworth Borough's own Climate Change and Biodiversity Strategy Plan and carbon neutrality ambitions. These benefits are significant and cannot readily be delivered elsewhere due to grid constraints, making this location particularly valuable with its agreed grid connection.

Furthermore, brick clay reserves are not in short supply within the region and there is no evidence that the Site is capable of supporting a viable mineral extraction operation given the composition of mudstone/brick clay indicates that higher quality product is at increasing depths across the west of the Proposed Site which may reduce the economic viability of utilising the Proposed Site for brick clay extraction in the future, as explained above. Further to this, the Applicant benefits from an agreed connection into the electricity grid which are limited nationally. The offer is for connection within 2027-2032 allowing it to be brought online feasibly within 2 years / a short timeframe. The Applicant also benefits landowner consent to develop the Proposed Site for a ground-mounted solar farm, and no such consent currently existing for clay extraction of the Proposed Site and would need to be obtained before doing so.

For these reasons, the planning balance clearly favours granting a 40-year temporary permission. This duration reflects the lifecycle of the solar farm, ensures the efficient and sustainable use of the 40 year grid connection offer, and secures the benefits of renewable energy generation. In conclusion, the need for and benefits of the Proposed Development are material considerations that demonstrably outweigh the concern of safeguarding of existing mineral sites, for which there is no policy designation for the Proposed Site.

I hope the above is clear, but we would be more than happy to discuss any of the points in greater detail if necessary.

Yours sincerely,

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Director
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