

02/04/2026 – MINERAL PLANNING AUTHORITY FINAL CONSULTEE RESPONSE

APPLICATION DETAILS:

Planning Application Number: 25/00692/FUL

LCC Reference Number: 2025/3475/04

Description of Application: Installation and operation of a ground-mounted solar farm with associated infrastructure for a period of 40 years

Location of Application: Land at Heath Road, Bagworth Heath, Bagworth, Leicestershire

Thank you for your re-consultation in respect of the above planning application. The County Council, as the Minerals and Waste Planning Authority (MWPA), has reviewed the additional information submitted by the applicant and offer the following comments.

Review of additional information

The submitted Mineral Safeguarding Note (MSN) raises the following key points in relation to the development and its impact on the mineral deposit adjacent to the site

- Brick clay is extensive in the region, as acknowledged in LCC's own safeguarding policy, with the Edwalton and Gunthorpe Mudstone Members underlying large areas, not just this site. Therefore, the site is not critical to brick clay supply.
- Higher-quality clay lies at 15–30 m depth, limiting economic viability and deposits at such depths are rarely worked
- The solar farm would not impede future clay extraction, post decommissioning of the infrastructure on site.
- The solar farm does not conflict with HBBC policies relating to amenity, and is therefore not an incompatible land use under policy M12 of the LMWLP

Regarding the statement that there are extensive brickclay reserves within the county, The MPA would like to draw to your attention that other brickclay workings and brickworks within the county have recently ceased / are in the process of ceasing operations, (for example those at Shedshed Quarry and Brickworks). This has and will negatively affect the supply of brickclay and places greater significance on preserving the available resources adjacent to Desford Brickworks

There is an extant permission for the extraction of brick clay immediately adjacent to the proposed development site. The proposal is also situated within an area that has

been identified for future viable extraction of brickclay in the 2018 application (ref. 2018/CM/0110/LCC), but this area was excluded due to not being immediately required to maintain mineral reserves, however the brickclay reserves within the wider area – above which the solar farm will be located – are likely to be required to sustain production for 25 years. As such, a future planning application to extract mineral from this area is likely to come forward as the currently approved extraction areas are worked.

The NPPF (2024) states that planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working (Para. 225) and that planning authorities should co-operate in order to ensure an adequate provision of mineral for industrial uses, through safeguarding minerals so they are available to use, maintaining stock of permitted reserves to meet current and future demand; and account for a provision of brickclay from various sources to enable appropriate blends to be made (Para. 227).

Policy M11 of the LMWLP permits the granting of planning permission for non-mineral development in safeguarded area where it can be demonstrated that the mineral is of no current or future value as well as if the development can be completed within a timeframe that does not inhibit extraction. Whilst the area for the proposed development is not formally identified as a Mineral Safeguarding Area for brickclay, the presence of the mineral means that the principles of Policy M11 are applicable.

The MWPA had noted in its previous response that the proposal also conflicts with Policy M12 of the LMWLP, due to the expected operational lifespan of the solar farm going beyond the extraction period and will therefore prohibit further expansion into identified viable reserves of brickclay.

As such, the granting of planning permission for the proposed solar farm would potentially prejudice the future development of the land for the purposes of extracting brickclay, a mineral resource of national importance, in conflict with both local and national policy

Planning Balance

The proposed Solar Farm development would deliver renewable energy that contributes positively to national decarbonisation targets and aligns with Hinckley & Bosworth Borough Council's planning policies. These benefits attract moderate weight in favour of the development.

However, having considered the additional information submitted by the applicant, as well as the representation submitted by Forterra Building Products Ltd, the MPA considers that a 40-year operational period for the solar farm would result in the long-term sterilisation of this industrial mineral resource and would prejudice the ongoing viability and expansion of the brickworks.

This harm results in a clear conflict with:

- LMWLP Policy M12 – safeguarding existing mineral sites
- LMWLP Policy M11 – safeguarding mineral resources
- NPPF paragraphs 223(c), 225 and 227 – safeguarding of nationally important industrial minerals and maintaining at least a 25-year brick clay reserve

Given the strategic importance of maintaining an uninterrupted supply of industrial minerals, the MPA advises that the sterilisation impact carries very substantial weight against the proposal.

Overall, the harm to mineral safeguarding significantly outweighs the benefits of renewable energy generation. The planning balance therefore weighs decisively against the development as proposed.

Additionally, the mineral safeguarding note states that there is landowner consent for the solar farm proposal. This is a private, third-party matter and is not a material planning consideration in the determination of the application before the planning authority.

Yours Sincerely

R Tollyfield

Rob Tollyfield
Planning Officer