At its meeting on 29th March 1995, the County Council resolved to adopt the Leicestershire Minerals Local Plan Review in accordance with the provisions of Section 43 of the Town and Country Planning Act 1990. The Plan became operative on 5th May 1995.

This document comprises the Written Statement and Proposals Map of the Local Plan as originally approved by the County Council in June 1992, but subsequently modified in September 1994 in the light of objections received and in response to recommendations contained in the report of the Inspector appointed to hold a Public Local Inquiry into the Plan in September/October 1993, and further amended in March 1995 in response to objections to proposed modifications published in November 1994.
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Introduction
INTRODUCTION

a. Reason for Reviewing the Plan

1.1 The principal objective of the County Council as Mineral Planning Authority is to balance its responsibilities to ensure a supply of minerals for the needs of the community with its responsibilities to keep the environmental impact and other effects of mineral extraction to an acceptable level. The policy framework to ensure the maintenance of such a delicate balance is provided by the Leicestershire Structure Plan and the Minerals Local Plan. The Minerals Local Plan, which was adopted in 1986, states that its policies and proposals will be reviewed at least once every 5 years. When abandoning a subsequent Alteration to the Local Plan, the County Council agreed that a draft review of the Plan be published not later than 1991.

1.2 It is timely that consideration be given to the changing situation since existing policy was prepared. There have been changes not only in general operational circumstances but also in attitudes towards the need to improve the protection of the environment. A range of issues related to the extraction of minerals within Leicestershire needs to be re-examined. Central government has advised strongly that plans must be kept up-to-date if they are to play a proper part in discussions on planning applications. The main objectives of the review are:

(i) to review and elaborate where necessary policies and proposals contained in the adopted Minerals Local Plan;

(ii) to prepare clear, positive and up-to-date policy guidance;

(iii) to assess pressures for mineral development;

(iv) to ensure a sensible and prudent use of resources;

(v) to establish priorities between the use of land for mineral extraction and other uses and activities;

(vi) to bring mineral planning issues before the public in a comprehensive manner.

The plan should be read as a whole and separate policies should not be read in isolation.

b. Publicity and Procedures

1.3 As the first stage in the review of the plan, the County Council published a key issues document in April 1989. This examined eight principal topics and identified 26 key issues to which it was considered particular attention should be paid in the review of the existing policies. The document was circulated for comment to District Councils within Leicestershire, adjoining County Councils, public bodies with interests and/or responsibilities in respect of minerals planning, the minerals industry itself together with local environmental/interest groups. In the light of the responses received, certain issues were subjected to more detailed examination, and policies and proposals subsequently prepared.
1.4 Draft policies and proposals for the Minerals Local Plan Review were published for the purposes of public consultation at the end of August 1991. District Councils within Leicestershire, adjoining County and District Councils, Parish Councils, Statutory Undertakers, Government Departments, the industry, conservation and amenity groups were all consulted. Publication of the plan was publicised in local newspapers and seven public meetings were held during September and October. Publicity arrangements are set out in a separate statement prepared by the County Council.

1.5 1,132 responses were received on the draft plan. Most responses related to the proposals for sand and gravel extraction. The greatest number of replies were objections to a proposed new site at Hathern. Of the other sites, the largest number of objections related to land at Ashby Parva/Dunton Bassett and at Sileby. As far as specific policies were concerned, the greatest number of responses were in respect of planning conditions for the protection of the environment, after-use, assessment of proposals and environmental considerations.

1.6 Following consideration of representations, the County Council made certain amendments to the draft plan. No change was made to 15 policies. 5 policies were deleted to be replaced by direct quotes of structure plan policy or incorporated into revisions to other policies. Various amendments were made to the remaining policies, the most significant being in respect of environmental considerations, legal agreements, after-use, and the disposal of waste materials. In respect of sand and gravel, the sites at Sileby and Hathern were deleted while the proposed areas at Ashby Parva/Dunton Bassett and Lockington were amended.

1.7 The revised plan was placed on deposit for a period of six weeks ending on 14th October 1992. A total of 203 objections were made within the statutory period and 56 late objections were received. Most objections were related to the section on sand and gravel and the proposed areas for release for sand and gravel extraction. A public local inquiry was held between 7th September 1993 and 7th October 1993 at which representations were heard by an Inspector appointed by the Secretary of State. The Inspector reported to the County Council in February 1994. At its meeting on 28th September 1994, the County Council resolved to accept all of the Inspector’s recommendations and to approve proposed modifications to the plan. The proposed modifications were placed on deposit between 10th November and 22nd December 1994.

c. National and Regional Policy Framework

1.8 In January 1988, the Department of the Environment introduced a new series of Minerals Planning Guidance notes (MPG) dealing with the control of minerals development. MPG will be the main source of national policy guidance on minerals planning matters. MPG1 covers the general principles and national policy considerations of minerals planning with specific advice on the development plan system. MPG2 covers planning applications for minerals development, planning permissions and the imposition of planning conditions. MPG3 provides advice to mineral planning authorities (MPAs) and the coal industry on the development of coal resources and the disposal of colliery spoil. MPG4 covers the review of mineral working sites. MPG5 covers those aspects of the General Development Order which are of special relevance to minerals interests.
MPG6 provides guidelines for aggregates provision in England. It provides advice to MPAs and the minerals industry on how to ensure that the construction industry receives an adequate and steady supply of material at the best balance of social, environmental and economic costs, whilst ensuring that extraction and development are consistent with the principles of sustainable development. Indicative figures are given for aggregates provision in each region for the period 1992 to 2006. MPG7 gives advice on planning considerations, consultations and conditions which are relevant to the reclamation of mineral workings. MPG8 sets out the statutory provisions and procedures to be followed for Interim Development Order (IDO) permissions under the Planning Compensation Act 1991. MPG9 gives advice on the considerations to be taken into account by applicants and the MPAs in preparing and determining the conditions to which registered IDO permissions should be subject. MPG10 gives advice to MPAs on the exercise of planning control over the provision of raw material for the cement industry. MPG11 provides advice on how the planning system can be used to keep noise emissions from surface mineral workings within environmentally acceptable limits without imposing unreasonable burdens on mineral operators.

1.9 Regional Planning Guidance for the East Midlands, as contained in RPG8, is provided by the Secretary of State for the Environment to assist Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire County Councils and the Peak Park Joint Planning Board in reviewing their approved structure plans. The guidance has been produced in response to the Regional Strategy submitted as advice to the Secretary of State by the East Midlands Regional Planning Forum of Local Authorities in February 1992.


d. Statutory Planning Background

1.11 The Leicestershire Structure Plan 1991-2006 was adopted by the County Council on 11th January 1994. It establishes the County Council’s main land use proposals and policies for the County. This plan has been prepared to accord with the policies set out in the Structure Plan.

1.12 The Leicestershire Minerals Local Plan (MLP) was adopted in June 1986. The Plan covers the extraction of all minerals throughout the County. An Alteration to the Plan in respect of land at Hathern was placed on deposit in September 1986, but subsequently abandoned in October 1987.

1.13 The Structure Plan and Minerals Local Plan provide the policy framework within which proposals for mineral working are assessed. They have proved to be successful in guiding the minerals industry and the public as to how much extraction is to be permitted, where it might
occur and what conditions will be imposed on any planning permissions. They have helped to
steer development to the least environmentally damaging areas.

1.14 The Planning and Compensation Act 1991 requires MPAs to draw up a minerals local plan
covering the whole of their area. Planning Policy Guidance Note 12 on Development Plans
and Regional Planning Guidance, issued in February 1992, and MPG1 “General Considerations
and the Development Plan System” provide guidance on the preparation of minerals local
plans.
General Matters
GENERAL MATTERS

a. Plan Period

2.1 The County Structure Plan (to which the Local Plan should generally conform) looks forward to 2006. MPG1 states that, in formulating policies and general proposals, authorities should take into account the levels of capital investment involved and the long lead-times which are often necessary before any mineral extraction site can become fully productive. MPG6 provides guidelines for aggregate provision to the year 2006. This plan includes policies and proposals for future mineral working for the period to 2006. The plan will be further reviewed within 5 years which would enable policies and proposals for minerals to be reconsidered in the light of changing circumstances well before the end of the plan period.

b. County Contribution

2.2 MPG1 states that each mineral planning authority should make a contribution to meeting local, regional and national demand which reflects the nature and extent of minerals in its area and other relevant planning considerations. Account should be taken of the important contribution that mineral working can make to the national economy and the position whereby minerals can only be worked where they occur. MPG6 states that development plans should recognise the need to make provision for the appropriate local apportionment of the Regional Guidelines contained therein.

2.3 Leicestershire contains extensive mineral resources which are both of national importance and essential for meeting the community needs of the county and region. The Structure Plan recognises that the processes of development, change and action that it identifies are dependent on a steady supply of raw materials to the construction and energy industries. It is the County Council’s intention to balance its responsibilities to make provision for the supply of minerals for the legitimate needs of the community with its responsibilities to the public to keep the adverse effects of mineral extraction to acceptable levels. Minerals and Waste Disposal Policy 1 of the Structure Plan states:

“When allocating land and considering planning applications for the extraction of minerals, the County Council will consider the need to release sufficient land to maintain an adequate supply of minerals to contribute to local, regional and national needs, while minimising the effects on the environment and agriculture”.

c. Landbanks

2.4 MPG1 states that plans should provide for a sufficient stock of reserves with planning permissions (a landbank) to allow an area to make an appropriate contribution to supply. MPG6 states that landbanks should be maintained for all aggregate minerals. It indicates that, in the case of sand and gravel, MPAs should aim to maintain a landbank for an appropriate
local area, sufficient for at least 7 years' extraction unless exceptional circumstances prevail. It states that a longer period may be appropriate for crushed rock, but does not specify how long that should be. Advice is given as to how to calculate the landbank requirement. MPG10 states that MPAs should normally aim to maintain cement plant with a stock of permitted reserves of raw materials of at least 15 years. Where there is significant new investment, MPG10 states that the plant should be provided with a stock of permitted reserves to provide for at least 25 years, and for new plant on a greenfield site permitted reserves lasting more than 25 years. Appropriate landbanks could also usefully be provided for minerals such as limestone and clays which are extracted for other non-aggregate purposes. Landbanks for appropriate minerals are examined in subsequent chapters. Minerals and Waste Disposal Policy 1 of the Structure Plan states:

"When allocating land and considering planning applications for the extraction of minerals, the County Council will consider the need to release sufficient land to maintain, wherever possible a landbank of permitted reserves of construction aggregates equivalent to at least ten years production taking into account guidelines for aggregate provision in England and Wales and the findings of the East Midlands Aggregates Working Party; and maintain a sufficient stock of permitted reserves for limestone (used for non aggregate purposes) and clays, having regard to the needs and nature of the particular industry concerned".

d. Submission of Applications

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Proposals for the winning and working of minerals and, where appropriate, for other mineral-related developments will not normally be permitted unless a full supporting statement (setting out the implications of the proposed development) has been prepared for consideration by the County Council. The statement shall include details, where appropriate, of the following matters:

(a) extent, quantity and quality of the mineral reserve;
(b) an assessment of the need for the working and the markets to be served;
(c) estimated annual production;
(d) estimated time scale of extractive, infilling and restoration operations;
(e) anticipated employment levels;
(f) layout of the site, including means of access and the siting and design of buildings and fixed plant;
(g) mobile plant and machinery to be used;
(h) method of working, including depth, direction and phasing;
(i) existing usages of the site and existing ground levels;
(j) depth and nature of topsoils, subsoils and overburden;
(k) stripping, storage, and respraying of soils and overburden;
(l) transportation, including the mode of transport to be used, an assessment of traffic to be generated and likely routeing;
(m) measures to protect local amenity, particularly by the suppression of noise, dust and vibration;
(n) effect on the ecology of the site and surrounding area;
(o) effect on archaeological features and their setting;
(p) screening and landscaping works;
(q) effect on existing surface and ground water drainage systems and floodplains and measures to protect water resources against pollution;
(r) proposals for restoration and after-use, including finished levels, field boundaries, tree and hedgerow planting, drainage and the removal of plant;
(s) methods of filling, quantity, type and source of fill and materials proposed;
(t) proposed aftercare (including cultivation, fertilising, seeding and under drainage) particularly where restoration is likely to take place within 12 months of the commencement of working;
(u) any other material considerations as appropriate to particular sites.

2.5 The implications of mineral developments can be wide ranging and include significant impacts. It is important that these impacts should be identified and examined before a decision is taken. The early provision of appropriate information will reduce delay and enable a clear understanding to be gained by all concerned of what is proposed and its likely impact. Policy 1 itemises those matters that the County Council considers should be submitted in support of applications for mineral development. More detailed guidance concerning the provision of information where reclamation to agriculture is proposed is available in Annexes 3 and 5 of MPG7. Hydrological and hydrogeological surveys may be required to determine the effect on existing surface and ground water resources and drainage systems. Hydraulic modelling may be required to determine the effects of mineral working and restoration on the drainage system during flood flows. Measures to protect water resources against pollution should include proposals for settlement and/or treatment facilities to deal with discharges of quarry water and contaminated site drainage. The County Council will encourage all applicants for mineral development to discuss proposals with Council officers prior to the submission of applications.

2.6 The supporting statement referred to in Policy 1 would be required for all mineral extraction proposals, but would not encompass all the requirements regarding the preparation of an environmental statement as specified by the European Directive on the environmental assessment of projects subject to planning control. Regulations to implement the provisions of this Directive are explained in DoE Circular 15/88. The regulations establish a procedure for identifying projects which require the preparation of an environmental assessment (E.A.) although it will initially fall to local planning authorities to consider whether one is required.
Under the regulations certain projects will require assessments in every case; others will require them only if they are likely to have significant environmental effects. Extraction industries are covered by the latter discretionary procedures. The Circular suggests that EAs will be needed for major projects which are of more than local importance, occasionally for projects on a smaller scale which are proposed for particularly sensitive or vulnerable locations, and in a small number of cases for projects with unusually complex and potentially adverse environmental effects. The basic test of the need for EA in a particular case is the likelihood of significant environmental effect and not the amount of opposition or controversy generated. The number of projects requiring EA is expected to be a small proportion of submitted applications.

e. Environmental Considerations

Policy 2 Assessment of Proposals

a. Proposals for Mineral Extraction

The assessment of all proposals for mineral extraction will take account, where appropriate, of the following factors:

(i) Operational and economic needs including:

(a) the demonstrated need for the mineral to be worked;
(b) employment implications and the effects on the general economy;
(c) the extent, quantity and quality of the mineral reserve which it is proposed to work;
(d) whether, in the case of aggregates, demand can reasonably be met from within the landbank, or in the case of all other minerals from existing areas with the benefit of planning permission in Leicestershire or from sources elsewhere;
(e) whether the proposal will make use of existing processing plant;

(ii) The likely impact on the overall environment in respect of which particular consideration will be given to:

(a) the effect on, and relationship to, sensitive nearby land uses (in particular residential properties) by reason of noise, dust, fumes, general disturbance or any other nuisance;
(b) the extent and quality of agricultural land to be taken and any other disruptive effect on agriculture;
(c) the visual impact on the landscape;
(d) the effect on woodlands and on topographical features;
(e) the effect on statutory nature conservation sites and other sites of more local scientific interest;
(f) the effect on known archaeological features, ancient monuments or other sites of archaeological, historical or architectural interest and their setting;
(g) the effect on water resources, possible dewatering of the natural ground water, the means of water supply and drainage;
(h) transportation implications including the nature and volume of traffic likely to be generated by the proposed workings, in particular the impact at the proposed point of access to the site from the public highway; the effect on the local environment; and the highway capacity of roads between the operation and the specified road network (as set out in the approved Structure Plan for the County);
(i) the effect on public rights of way and sites of particular importance to sports and recreation;
(j) the effect on the installations of statutory undertakers;
(k) other environmental factors as appropriate;

(iii) The provisions of the development plan and any supplementary planning guidance, being policies and proposals of local planning authorities for the area.

(b) Proposals for Building etc.

Proposals for buildings, plant and other forms of construction or engineering works will be assessed in the light of the following considerations:

(i) the siting and visual appearance of the development including its height, scale and colour;
(ii) screening of the development;
(iii) the extent to which the development will contribute to an improvement in the efficiency of mineral working;
(iv) the character of the surrounding area;
(v) the design of the development and the anticipated generation of noise and dust or any other nuisance.

2.7 It has long been recognised that while temporary in nature, mineral operations can have a considerable impact on the environment. It is therefore important that these impacts should be examined before any decisions are taken. MPG6 states that mineral planning authorities should have regard to all material considerations when determining applications, including detail matters such as the economic, environmental, nature conservation, agricultural, landscape, traffic, site restoration and other effects of the proposal that are relevant to the planning decision. Policy 2 sets out a list of factors that will be taken into account in assessing mineral extraction proposals. The examination of these factors will allow a balanced judgement to be arrived at, with on the one hand the operational and economic needs of the
proposed development and on the other hand the likely impact on the overall environment (including such matters as the effect on nearby uses by way of noise, dust, fumes and general disturbance, the effect on agricultural land, visual impact, the effect on woodland and topographical features, the effect on sites of nature conservation interest (including biological, geological and geomorphological sites) or archaeological interest, the effect on water resources, supply and drainage and the nature and volume of associated traffic). Policy 2 elaborates on Minerals and Waste Disposal Policy 2 of the Structure Plan on environmental impact which states:

“When allocating land and considering planning applications for the extraction of minerals, account will be taken of its likely impact on the environment and the operational and economic needs of the development”.

Policy 3 Environmental Considerations

Unless there is an overriding need or the impact can be alleviated by appropriate measures, proposals for mineral workings will not normally be permitted in the following instances:

(a) the development would result in the irreversible loss of significant amounts of the best and most versatile agricultural land (grades 1, 2 and 3a);

(b) the development would have an adverse effect on the character of Areas of Particularly Attractive Countryside and other areas of local landscape value;

(c) the development would result in the loss of or damage to ancient woodlands;

(d) the development would adversely affect the effectiveness of local land drainage systems and floodplains, derogate groundwater sources and resources and provide inadequate protection for water quality;

(e) the development would adversely affect proposed and designated National Nature Reserves, Special Protection Areas, Special Areas of Conservation, Ramsar Sites and Sites of Special Scientific Interest designated because of their ecological interest, unless an overriding national need can be shown and there is no other suitable site for that particular purpose; or sites of county and district level ecological interest or Local Nature Reserves, unless an overriding national or local need can be shown;

(f) the development would adversely affect proposed and designated Regionally Important Geological Sites (RIGS) or Sites of Special Scientific Interest designated because of their geological interest, unless an overriding national need can be shown or a suitable substitute site of equal or greater value can be proposed; or sites of county and district level geological interest unless an overriding national or local need can be shown or a suitable substitute site of equal or greater value can be proposed;
(g) the development would adversely affect a scheduled ancient monument or other nationally important archaeological site or its setting or amenity value;

(h) where insufficient capacity is available on the local or wider road system for the traffic that is expected to be generated unless satisfactory improvements can be implemented;

(i) the development including its associated traffic movements would have an unacceptable impact on local residential amenity;

(j) the cumulative effect of the proposed development would be environmentally unacceptable;

(k) the development would adversely affect land or buildings in recreational use and serving a particular community unless suitable alternative provision is made close enough to serve the same community;

(l) the development would adversely affect public rights of way unless adequate arrangements can be made to safeguard the existing routes or to provide acceptable alternatives.

2.8 Policy 3 indicates instances where mineral working will not normally be allowed by virtue of the impact on environmentally sensitive areas, namely best and most versatile agricultural land, areas of landscape value, important woodland, water supply protection areas, areas of particular scientific interest, scheduled ancient monuments and other important archaeological sites, locations where the road system is inadequate, residential areas, recreational areas and public rights of way. Planning Policy Guidance Note No. 1 (PPG1), “General Policy and Principles”, states (paragraph 5) that applications for development should be allowed, having regard to the development plan and all material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance. MPG1 states that a balance has to be struck between the case for mineral extraction and the protection of the environment. It points out however that mineral planning authorities will need to recognise that minerals can only be worked where they occur and that, in some cases, resources may not be available outside environmentally significant areas. MPG1 nevertheless indicates that “plans should indicate in appropriate detail those areas within which there will normally be a presumption against mineral working”. Policy 3 elaborates on Minerals and Waste Disposal Policy 2 of the Structure Plan which states:

"Where development would cause demonstrable harm to interests of acknowledged importance, planning permission will normally only be granted where the need for the development is sufficient to justify its environmental impact".
2.9 It is the policy of the Structure Plan to protect the best and most versatile agricultural land (Environment Policy 6). The Government's policy, as set out in Planning Policy Guidance (PPG) Note 7 "The Countryside and the Rural Economy" published in 1992, is that the best and most versatile agricultural land is a national resource for the longer term and that considerable weight should be given to protecting such land against irreversible development because of its special importance. The loss of the best and most versatile agricultural land is regarded as irreversible if it is not considered feasible to achieve a high standard of restoration in order to return the land to a state at or as close as possible to its original quality. In practical terms, the requirement is that the physical characteristics of the land are restored, so far as it is practicable to do so, to what they were when it was last used for agriculture. The loss of some best and most versatile agricultural land to irreversible development may be accepted where the whole site predominantly comprises lower quality land and the proposed after-use is acceptable.

2.10 It is the policy of the Structure Plan to protect Areas of Particularly Attractive Countryside and other areas of local landscape value (Strategy Policies 3 and 4) and ancient woodland (Environment Policy 10). The County Structure Plan identifies large areas of Leicestershire as being of particularly attractive countryside. The Areas of Particularly Attractive Countryside are generally defined in the Structure Plan Key Diagram and in detail in local plans. Areas of local landscape value are defined in District Local Plans. Such areas represent the most significant and important landscape areas within the County and are therefore worthy of special protection to ensure that their value is protected for future generations. All new development proposals within these areas will be subject to a stricter test to ensure that there is no adverse effect on the character of the area. With an average tree cover of 3%, most parts of the County are deficient in woodland, and existing woods, particularly ancient woodland, are in need of protection. Woods form a vital element in the landscape and can be important for their amenity, recreational and commercial value, as well as for ecology.

2.11 There is a substantial body of legislation in relation to water supply, pollution control and land drainage. The National Rivers Authority and British Waterways are responsible for protecting and improving watercourses and waterways and their environmental corridors and providing protection against flooding. Mineral workings may lead to problems related to these matters. MPG6 states that mineral planning authorities should take into account the need to protect the flow, level and quality of surface waters and groundwater to ensure that changes in the water table as a result of mineral extraction do not cause environmental damage or adversely affect water resources. Groundwater resources are a vital component of water usage including potable supplies, and development which threatens these resources should be prevented. The National Rivers Authority published its "Policy and Practice for the Protection of Groundwater" in December 1992 which addresses matters relating to mineral extraction. Where workings are likely to have a seriously detrimental effect, for which no solution can be found, planning permission may have to be refused.
2.12 The Structure Plan includes policies to protect sites of ecological and geological interest (Environment Policies 7 and 8). PPG9 (Nature Conservation) gives guidance on how the Government's policies for the conservation of the natural heritage are to be reflected in land use planning. It states that nature conservation can be a significant material consideration in determining many planning applications. The guidance specifies that applications for mineral working in or likely to affect SSSIs should be the subject of the most rigorous examination. The extraction of minerals can, however, create new types of habitat in areas where they were formerly rare or absent, while quarry faces may provide a valuable supplement to natural rock outcrops. MPs and mineral companies are advised to bear in mind opportunities for habitat creation and enhancement.

2.13 It is the policy of the Structure Plan to protect sites of historic, architectural or archaeological importance (Environment Policy 2). There are a number of important sites of architectural, historical and archaeological interest within the County. Mineral workings may damage or destroy structures and remains that are of importance to the national heritage. PPG16 ("Archaeology and Planning") sets out the government's policy on archaeological remains on land and how they should be preserved or recorded. It emphasises that care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed. PPG16 underlines the importance of identifying as early as possible the likely presence and importance of any archaeological sites liable to be affected by proposed development. This should involve early consultation with the local archaeological unit. The CBI's revised Code of Practice for Mineral Operators on archaeological investigations provides advice on how mineral operators should consult archaeological interests in formulating planning applications to ensure that archaeological factors are fully taken into account in the planning decision process. The Leicestershire Archaeological Sites and Monuments Record, maintained by the Director of Museums, Arts and Records Service, should be consulted at the earliest possible stage for advice on the historical environment, including archaeological remains. The County Council may require applicants to make provision for the proper evaluation of the archaeological implications of proposed development in advance of the determination of a planning application.

2.14 MPG3 recognises that there may be cases where the specific effects of opencast coal working either singly or together add up to such a severe effect on the environment and on the quality of life for a locality that the authority will conclude that planning permission should not be given. As well as such a combination of specific impacts, cumulative effects of a development may be unacceptable where the development involves continuous extraction within a particular area over a considerable number of years or the introduction of an additional development within an area which is already suffering the effects of various developments (both mineral and non-mineral related).

2.15 Public open space and sports grounds are essential elements of the urban structure with positive community roles. The effect of the loss of recreational land would be to reduce or to keep existing or potential community recreation provision below acceptable levels. It is the policy of the Structure Plan to protect land or buildings in recreational use (Leisure Policy 3).
2.16 The rights of way network is the single most important means by which the public can enjoy the countryside. It is the policy of the Structure Plan to safeguard existing rights of way or ensure that adequate alternative arrangements are made (Leisure Policy 6). Where mineral operations affect existing rights of way, adequate arrangements should be made for their continued use both during and after mineral extraction either by means of existing or diverted routes. Operations will not be allowed to affect any existing public right of way until the necessary legal sanction for its diversion or stopping up has first been obtained.

Policy 4 Transportation

The County Council will encourage, wherever practicable, the use of rail, canal, conveyor and pipeline as a means of transportation for minerals rather than the use of roads. In this respect, the County Council will normally support applications for grant under Section 139 of the Railways Act 1993 for the construction of new or modernisation of rail facilities which will reduce the amount of minerals transported by road, and under Section 140 of the Railways Act 1993 for freight facilities to be constructed for the movement of traffic by inland water. The County Council will restrict heavy lorry movements associated with mineral operations from using unsuitable roads by means of traffic management or other appropriate measures such as voluntary lorry routing agreements with operators entered into under Section 106 of the Town and Country Planning Act 1990.

2.17 It is the policy of the Structure Plan not to allow development where there is insufficient capacity on the road system (Transport Policy 4). The bulk of movements to and from mineral operations are by road. Such traffic may have a considerable impact on local amenity, creating problems of public safety and inconvenience, noise and vibration, air pollution and visual intrusion. These problems are most severe where lorries use minor roads unsuited to their weight and size, where they pass through residential areas, and at the point of access to the site from the public highway. It would not be desirable to allow proposals which could exacerbate any existing problems or create unacceptable new ones. The effects of road transportation might be reduced if the mineral operator is able to implement improvements to the road system, by agreements over the routes that lorries should take and/or by placing weight restrictions on some roads so that traffic is routed away from residential areas or unsatisfactory roads onto preferred routes. Equally, environmental advantages can often accrue from transferring some or all of the traffic to transport modes which do not utilise the local road network. Grants may be available under Section 139 of the Railways Act 1993 to facilitate the transfer of traffic from road to rail and under Section 140 of the Railways Act 1993 which provides for freight facilities to be constructed for the movement of traffic by inland water. Policy 4 accords with the Structure Plan’s Transport Policy 10 in respect of heavy lorries, and Minerals and Waste Disposal Policy 7 in respect of transportation of minerals.
Policy 5 Planning Conditions for Protection of the Environment

In granting planning permission for the winning and working of minerals and other mineral-related developments, the County Council will attach conditions aimed at ensuring that such development has the least detrimental effect on the environment in general, and on local residents in particular. Conditions will be imposed, where appropriate, in respect of the following matters:

a) the commencement and duration of the permission (which will often be a shorter period than the 60 years deemed duration specified in the Town and Country Planning (Minerals) Act 1981);

b) the establishment of a Buffer Zone (within which activities will be restricted) between surface mineral operations and residential development and other sensitive areas;

c) the physical support of highways, railways, waterways and other facilities;

d) the protection of surface development from the effects of subsidence resulting from underground mineral workings;

e) the protection of water courses, waterways, land drainage systems, the effectiveness of the floodplain and ground water resources;

f) the control of noise arising from mineral operations by means of appropriate design and operating methods, which shall include the effective silencing of all vehicles, machinery and plant employed on mineral extraction and processing sites, the formation of temporary baffle embankments at appropriate locations and the location and organisation of on-site operations so as to minimise any impact on nearby properties;

g) the control of emissions into the atmosphere of dust, smoke, and fumes by all reasonable measures, which shall include the appropriate design of all fixed plant and machinery (including loading bays and hoppers) and the watering of haul roads, soil and overburden mounds and other exposed materials and stockpiles particularly during dry weather;

h) blasting operations to ensure that all reasonable measures are taken to minimise the disturbance to the public and the risk of damage to property outside the site by reason of ground vibration and air pressure waves, such measures to include limitations on ground vibration and air overpressure (to be monitored by machines at or near the site), regulation of the times of blasting, arrangements for public warning and the prohibition of secondary blasting;
i) the regulation of the hours during which mineral operations will be allowed to take place;

j) prevention of the transference of mud and dirt onto the public highway by measures including the provision of wheel cleaning facilities and suitably metalled access roads, and the sheeting of laden vehicles;

k) the retention, wherever practicable, and proper protection of trees, woodlands, hedgerows and other landscape features;

l) the implementation of a suitable landscape scheme, which may include the planting both on and off site of appropriate trees and shrubs to be carried out prior to the commencement of operations and maintained throughout the life of the mineral operations until the completion of restoration, and/or the phased construction and removal of earth mounds;

m) the siting and appearance of plant and machinery and associated buildings;

n) site access and the provision of on-site parking and loading areas;

o) the system of transporting excavated material between extraction areas and processing areas, such that within a given mineral working the use of the public highway is normally excluded;

p) the protection or diversion of statutory undertaker installations;

q) the retention and protection of features of ecological and geological interest;

r) the preservation in situ of known sites of county or local archaeological importance or, where this is unjustified, the investigation and recording of the interest;

s) the protection of public rights of way.

2.18 MPG1 indicates that plans should provide the necessary framework for development control. Development control policies may take the form of a checklist of considerations which will be relevant in assessing applications and which will often be reflected in conditions attached to planning permissions. Policy 5 sets out measures to control the environmental effects of mineral operations through the imposition of suitable planning conditions. The County Council will consult the appropriate environmental protection agency prior to the imposition of conditions related to the protection of water resources, the control of noise and the control of emissions of dust, smoke and fumes. The County Council will also encourage operators
particularly at the sites proposed for release in the plan, to undertake advanced planting prior to the submission of planning applications for mineral workings, and other mineral related development in order to ameliorate the impact of the eventual operations (see policies 15, 16 and 21).

Policy 6 Planning Obligations

The County Council will seek to secure planning obligations where appropriate in order to achieve control over mineral operations and their ultimate restoration which cannot otherwise be adequately imposed by the normal use of conditions attached to a planning permission or are not adequately covered under other relevant legislation. Matters to be covered by such agreements may include where appropriate to the proposed development:

a) the relinquishment of existing planning permissions;

b) where mineral extraction is only the means towards achieving a development of another type, the restriction on mineral extraction pending the approval of the other type of development;

c) the establishment of a liaison committee;

d) the relevant provision of public infrastructure and facilities for public benefit;

e) the funding and implementation of off-site planting;

f) the management of protected areas of ecological or geological interest;

g) the provision and use of noise, dust and blast monitoring equipment;

h) the funding of an archaeological investigation;

i) the routing of vehicle movements;

j) the funding and implementation of off-site highway improvements;

k) the improvement of rights of way (both on and off-site);

l) the provision of a restoration bond;

m) management of the site following restoration and aftercare for an agreed period to ensure the long-term beneficial use of the site.
2.19 Section 106 of the 1990 Act (as substituted by section 12 of the Planning and Compensation Act 1991) provides that a local planning authority may enter into an agreement (planning obligation) with any person interested in land in their area for the purpose of restricting or regulating the development or use of the land. Such agreements can usefully cover matters which cannot otherwise be adequately dealt with by the normal use of conditions attached to a planning permission. DoE circular 16/91 gives advice on the proper use of planning obligations. Policy 6 sets out those matters which may be covered by a legal agreement.

Policy 7 Liaison Committees

The County Council will seek to set up local Liaison Committees, where appropriate, to act as a forum for discussion between the mineral operator, the County Council, District Councils, Parish Councils and other bodies as may be considered appropriate.

2.20 The County Council has set up a number of liaison committees in respect of particular mineral operations. They have been most successful as a forum for discussion between mineral operators, the County Council and representatives of the local community (usually District and Parish Councillors). The opportunity will be taken to set up further liaison committees where appropriate. Their success however depends upon the full and active co-operation of the industry.

Policy 8 Former Mineral Workings

Proposals for the re-establishment of mineral workings in otherwise disused or abandoned sites which do not have the benefit of planning permission will be considered in the light of policies relating to the establishment of new workings.
2.21 There are many former mineral working sites throughout the County where both small scale and extensive mineral operations have been undertaken. There will be no presumption by the County Council that the re-establishment of mineral workings in otherwise disused or abandoned sites which do not have the benefit of planning permission is in any way inherently preferable to entirely new working sites or site extensions.

Policy 9 Review of Mineral Working Sites

The County Council will continue to review all mineral working sites in the county and will identify any inadequacies in existing planning controls attached to such sites for the proper protection of the environment both during and after mineral working. The County Council will, in respect of identified inadequacies, seek the co-operation of other parties concerned to secure a mutually acceptable solution. Where necessary, the County Council will seek to obtain an early improvement to the appearance of mineral workings which have temporarily or permanently ceased by the use of powers set out in the Town and Country Planning Act 1990.

2.22 The Town and Country Planning (Minerals) Act 1981 introduced a requirement for mineral planning authorities to review mineral working sites in their areas from time to time and to take such steps as they consider necessary to secure a satisfactory standard of operation and restoration or even bring an end to operations. Steps may be taken to revoke or modify planning permissions, to order the discontinuance of use or alterations to buildings or works, to order the prohibition of the resumption of working, to order the suspension of working and to review suspension orders. However, in most instances, this will result in compensation having to be paid. The Review of Leicestershire Mineral Working Sites was commenced on 1st April 1987. Two annual reports have been prepared in April 1988 and May 1989. An initial group of 15 priority sites were selected for review. It was intended that this list be rolled forward and added to on an annual basis. 12 further sites were added for the second annual review. Emphasis has been placed on achieving cost effective solutions to problems in agreement with operators without the need to use statutory orders. MPG4 indicates that the provisions of section 264A of the Town and Country Planning Act 1971 (now section 105 of the Town and Country Planning Act 1990) regarding the review of mineral working sites do not require consultations in the same way as for planning applications. It does however advise mineral planning authorities of the importance of consulting mineral operators and landowners, the relevant district council as well as other appropriate bodies.
2.23 The Planning and Compensation Act 1991 contains provisions to bring old Interim Development Order mineral sites into the planning system and their operations up to modern standards. The Government has also instituted a review of the 1981 Minerals Act which will include an assessment of how best to improve the activities on the many mineral permissions granted in the 1950’s and 1960’s. The County Council intends to take every opportunity to achieve adequate control over mineral operations and to ensure their satisfactory restoration.

Policy 10 Derelict Land Reclamation

Whenever compatible with the other policies of this Plan, the County Council will encourage proposals for mineral extraction which contribute to the clearance of derelict land.

2.24 The Structure Plan proposes that the fullest use be made of derelict land (Environment Policy 13). In certain circumstances, mineral extractive operations can contribute towards the improvement and reclamation of areas of derelict land. As a result, agricultural land, forestry, recreation, nature conservation or other beneficial uses can be obtained from previously unproductive land. In respect of open cast coal, MPG3 states that where there is overall environmental benefit to be gained the Government expects the industry and mineral planning authorities to give priority to proposals involving derelict sites, particularly those which would enable former colliery sites to be released quickly for reclamation. In February 1992, the County Council approved the Leicestershire Derelict Land Strategy and Action Programme. The strategy gives guidance on the coordination of reclamation work in the County, the promotion of reclamation and the action to be taken by the County Council.

f. Reinstatement and Land Uses after Mineral Working

Policy 11 Restoration and Aftercare Conditions

In granting permission for the winning and working of minerals and other mineral related developments, the County Council will attach conditions aimed at ensuring the high quality restoration of worked-out mineral operations at the earliest opportunity. Conditions will be imposed, where appropriate, in respect of the following matters:

(a) the restoration of the site to a specified landform. Where it is not feasible to submit detailed restoration proposals at the application stage, then such details will be required at specified stages in the development. In the special case of rock quarries of a long-term nature, a restoration scheme will be required at a specified time in the future before operations cease;
b) the planting of trees, shrubs and hedges to compensate for those removed during mineral working and in order to create an attractive new landscape;

c) the phased extraction and restoration of mineral operations, wherever practicable, in order to ensure that the period over which land is out of beneficial use is kept to a minimum;

d) the retention of topsoil and subsoil on the site for ultimate restoration;

e) the stripping, storage, replacement and treatment of topsoil and subsoil;

(f) the contouring and grading of restored land;

(g) the installation of a drainage system, where necessary;

(h) a programme of after-care for an appropriate period after restoration has been completed for sites restored to agriculture, forestry or amenity use;

(i) the removal of all buildings, plant, structures, machinery, and hardstandings used in connection with the mineral working operations after the completion of mineral extraction.

2.25 MPG1 indicates that plans should include policies to ensure that the land from which minerals have been extracted or onto which mineral wastes have been deposited is landscaped or reclaimed to facilitate a beneficial after-use of the site. MPG7 gives further advice on these matters. Minerals and Waste Disposal Policy 3 of the Structure Plan states:

"When granting planning permission for mineral working, the County Council will require restoration to an acceptable use at the earliest opportunity. After restoration has been completed the County Council will require a programme of aftercare for an appropriate period”.

2.26 Policy 11 sets out the matters in respect of which conditions will be imposed to ensure satisfactory restoration. The County Council is determined to ensure that land is returned after mineral extraction to a beneficial use in the shortest possible time in the interests of general amenity.

2.27 In order that steps towards successful afteruse are incorporated in the management of mineral workings, detailed restoration schemes should normally be drawn up as early as possible and submitted as part of the full supporting statement accompanying the planning application (in accordance with Policy 1r). It is recognised, however, that for some operations, usually related to comparatively large sites, it may not be feasible or appropriate to submit fully detailed restoration proposals until particular stages of the development are reached, because
for example progressive restoration is planned and there are uncertainties about future phasing. There is nevertheless a need to establish restoration principles at the planning application stage. It is also normally more appropriate for restoration proposals in respect of long-term quarries to be considered at a specified time in the future.

2.28 Control of the duration of extraction and restoration is best achieved by a phased programme of working and restoration. Conditions for phased operations normally limit the area taken for mineral working and relate it to in the restoration of earlier phases of the operation. Such an approach gives greater control over operations, enables the amount of land taken out of agricultural or other use to be kept to a minimum, and will ensure that, if workings cease prematurely, only a comparatively minor amount of restoration is required to secure a beneficial end-use. Phased working is most appropriate for opencast operations for sand and gravel, and coal. The size of individual phases will need to balance operational needs and the wish of the County Council to minimise the environmental impact of workings.

2.29 The Town and Country Planning Act 1990 provides that where planning permission is granted for mineral working subject to a restoration condition it may also be granted subject to an aftercare condition. An aftercare condition can require the steps to be taken to bring land to the required standard for whichever of the uses of agriculture, forestry or amenity is specified. Aftercare can be required for a maximum period of 5 years from compliance with the restoration condition. Annexes 5 and 6 of MPG7 gives guidance on the level of detail generally required and the items to be included in aftercare schemes involving restoration to agriculture and forestry.

<table>
<thead>
<tr>
<th>Policy 12 After Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) The best and most versatile agricultural land will normally be restored to an agricultural use.</td>
</tr>
<tr>
<td>(b) The County Council will seek to ensure that appropriate sites which could lead to the creation of lakes, particularly within the Trent and Soar Valleys, are restored in a way which would support the fulfilment of demand for water recreation.</td>
</tr>
<tr>
<td>(c) Every opportunity will be taken to increase the woodland cover of the County through the restoration of mineral workings, with an emphasis being placed on the use of appropriate broad leaved species. Forestry and woodland planting will be particularly encouraged within the National Forest together with related nature conservation and recreation afteruses where appropriate.</td>
</tr>
<tr>
<td>(d) The County Council will encourage the creation of new habitats for wildlife through the restoration of mineral workings.</td>
</tr>
</tbody>
</table>
(e) Proposals for land based recreational afteruses on lower quality agricultural land, particularly formal facilities on the urban fringe and land extensive uses in the countryside which do not include substantial built development, will be acceptable where opportunities for the creation of water areas, woodland or habitats for wildlife are less favourable.

(f) The County Council will seek to ensure that proposals for the restoration of mineral workings include a revised network of rights of way which is at least as extensive as that occurring before workings began and that any opportunities for improved access to the countryside are taken, especially to secure an improved bridleway network.

(g) It is proposed that the sites identified in the plan for sand and gravel and brickclay extraction be restored to a land form to facilitate the following uses:

- Tamworth Road, Hemington - water recreation and/or nature conservation
- Slip Inn Quarry, Ashby Parva - agriculture and/or forestry
- Husbands Bosworth - agriculture and/or forestry
- Shawell - agriculture and/or forestry
- Lockington Grounds - water recreation and/or nature conservation and/or agriculture
- Brooksby - mainly agriculture with some woodland and nature conservation
- North Kilworth - agriculture and/or forestry
- Shepshed - forestry
- Desford - agriculture and/or forestry together with related informal countryside recreation
- Ibstock - agriculture and/or forestry

2.30 Improvements in agricultural productivity are expected to lead to land falling out of production as less is required to meet the nation's food production needs. Farmers are increasingly examining ways of maintaining income by adopting alternative uses for some of their land. In recognition of this, the Ministry of Agriculture has introduced new grant schemes in respect of on-farm diversification, farm woodland and set-aside to help, among other things, reduce surplus agricultural production. Planting grants are also available from the Forestry Authority. Against this background, there is likely to be increased emphasis on proposals for land uses after mineral working other than agriculture, particularly in respect of lower grade land. Alternative uses could include forestry and water areas for sports and recreation or nature conservation. MPG7 recognises that there is now much more consideration of non-agricultural after-uses of mineral workings, particularly for forestry or amenity, although it warns that these should not be chosen because they are perceived as “easier options”.

Page 23
2.31 Minerals and Waste Disposal Policy 3 of the Structure Plan states:

"The best and most versatile agricultural land will normally be restored to an agricultural use. On other land, priority will normally be given to restoration to water recreation, forestry or nature conservation uses".

2.32 Environment Policy 10 of the Structure Plan seeks to increase the woodland cover of the County. Forestry uses will be particularly appropriate within the area of the National Forest in North West Leicestershire, South Derbyshire and mid Staffordshire. Environment Policy 12 of the Structure Plan indicates that special provision will be made for the planting of woodlands with public access within the National Forest. In some instances, amenity or forestry afteruse may be appropriate on the best and most versatile agricultural land if the methods used in restoration and aftercare enable it to retain its longer-term potential as an agricultural resource by restoring the physical characteristics of the land, so far as it is practical to do so, to what they were when it was last used for agriculture. Additional grant payment in connection with the planting of woodlands is available from the Forestry Authority where public access is to be allowed.

2.33 There is a shortfall of water areas for particular recreational activities within the County. Water recreation areas can be created as the permanent use of appropriately sited restored land following mineral working. It is the policy of the Structure Plan to give positive consideration to proposals for new areas of water recreation use (Leisure Policy 7).

2.34 The extraction of the minerals can provide an opportunity to create new types of wildlife habitat. With the continued loss of wetlands in Britain, newly created areas of open water and other wetland habitats (such as reedbed, marshland and wet grassland) as a result of mineral extraction have become increasingly important in nature conservation terms as habitats for wildlife. The restoration of mineral workings may also benefit nature conservation by the planting of new woodlands and hedgerows with appropriate native trees and shrub species, and the creation of heathland and wildflower grassland. Environment Policy 7 of the Structure Plan states that consideration will be given to the creation of new ecological sites as a part of new developments.

2.35 It is the policy of the Structure Plan to give positive consideration to proposals for recreational development (Leisure Policy 1). Recreational uses are not necessarily incompatible with forestry or nature conservation uses given sympathetic management. Leisure Policy 6 of the Structure Plan states that advantage will be taken of opportunities presented by development schemes to secure improved access into the countryside.

2.36 Policy 12 reflects the above Structure Plan Policies. Possible after uses for the proposed future mineral extraction sites contained in the Plan have been identified taking into account the above considerations.
2.37 The Countryside Commission’s Countryside Stewardship Scheme offers incentives to conserve, enhance and restore worked out operations adjacent to important river valley areas. Financial assistance for landscape works, recreational development, rights of way improvement and habitat creation may also be available. Organisations providing such grants include Leicestershire County Council, Countryside Commission, Forestry Authority, Tree Council, English Nature, Sports Council, Department of Environment.

Policy 13 Disposal of Waste Materials

(a) Assessment of Proposals

Proposals for the winning and working of minerals which involve the disposal of waste materials will be assessed in the light of the following considerations:

(i) the need for such a waste disposal facility;

(ii) the nature and character of the site, the proposed after-use and alternative landforms and after-uses possible if landfill were not to take place;

(iii) the nature of the material to be tipped;

(iv) the effect on local water supplies or ground and surface water quality;

(v) the desirability of using more hydrogeologically secure sites for the disposal of non-inert waste so as to release inert filling material for use in more sensitive areas;

(vi) the effect on, and relationship to, residential properties and the need to reduce environmental disturbance to acceptable levels;

(vii) the avoidance of danger to aircraft movements by virtue of bird-strike hazard;

(viii) the effect on the highway network and the local environment of additional traffic movements which would be involved due to the importation of fill material;

(ix) the feasibility of restoring the site within a reasonable period of time.
b. **Environmental Considerations**

Proposals for the disposal of waste materials will not normally be permitted in the following instances:

(i) there is no demonstrable need for the disposal facility sufficient to justify the environmental impact that is likely to arise;

(ii) there is no prospect of either environmental improvement or the establishment of a more beneficial use after waste disposal operations have been completed;

(iii) the proposed after use would be incompatible with the provisions of the development plan and any supplementary planning guidance applicable to the area;

(iv) there would be danger to aircraft movement by virtue of bird-strike hazard;

(v) valuable proven mineral reserves would be sterilised;

(vi) the proposal would cause demonstrable harm to interests of acknowledged importance as set out in policy 3.

c. **Planning Conditions**

In granting planning permission for the disposal of waste materials, conditions will be imposed, where appropriate, in respect of the following matters in addition to those specified in policies 5 and 11:

(i) the general types of material which can be deposited;

(ii) the phasing of infilling operations;

(iii) the retention of materials suitable for use as cover material together with any suitable soils brought onto the site for use in the covering down of waste materials and site restoration;

(iv) capping of the void following completion of waste tipping operations.

2.38 It is the policy of the Structure Plan to consider the need to provide adequate disposal facilities when allocating land and considering planning applications for the disposal of waste materials and related development (Minerals and Waste Disposal Policy 1). The County Council’s current strategy for the disposal of household and civic amenity waste is one of controlled landfill without pre-treatment. The County Council will however continue to promote the recycling of waste materials and will keep under review alternative means of disposal such as incineration.
2.39 The disposal of domestic, commercial and non-toxic industrial waste and colliery spoil is usually an integral part of the restoration of exhausted mineral operations where insufficient volumes of usable waste are generated to enable backfilling to be completed. Such waste disposal may be desirable in order to help restore mineral workings as well as to provide suitable sites for disposal. Many waste materials, however, are potential pollutants and this requires careful consideration according to the type of waste material, the permeability of the ground and the position of the water table. Materials suitable for tipping in excavations may thus be restricted in order to avoid pollution. The use of anything other than strictly inert materials is likely to necessitate work to line and seal the site and the provision of leachate removal. Where toxic materials are able to be disposed of, the greatest care will need to be taken. If wastes other than those from a mine or quarry are brought in, their disposal on site will require a licence in accordance with the provisions in Part II of the Environmental Protection Act 1990. The County Council is the waste management licensing authority. The waste management licence will control the detailed operation of the site in order to ensure the secure disposal of waste.

2.40 A Waste Disposal Plan for Leicestershire (prepared under the Control of Pollution Act) was approved in February 1990. This Plan covers such issues as the kinds and quantities of waste to be disposed of, methods of disposal, and the authority's policy on the granting of licences for waste disposal. The Planning and Compensation Act 1991 introduces a new requirement for local plan coverage of development involving the depositing of refuse or waste materials (other than mineral waste). The Waste Local Plan is currently under preparation. Policy 13 sets out interim guidance on land use and planning aspects of waste disposal pending the approval of the Waste Local Plan.

### Policy 14 Lower Level Restoration

The County Council will require restoration at a lower level without importation of fill material, where the base of the excavation is above the level of the water table and the excavated area can be shaped to contours and gradients which enable an acceptable landform to be created and the agreed after use for the site to be achieved unless there is a demonstrable need for a waste disposal facility which can be provided in an environmentally acceptable manner or the importation of material could lead to a higher standard of restoration being achieved.

2.41 Where the water table is sufficiently low, restoration can take place directly on the floor of the worked out excavation. As a result, many of the problems associated with restoration involving landfill can be avoided. Fill material will also be released for use in more sensitive areas where suitable fill is in short supply. Provided that the worked faces are left suitably sloped and the floor is reasonably level, there is unlikely to be any more amenity damage as a result of such restoration than that of the lowering of the ground surface. The residual surface, if suitably levelled, is often immediately available for cultivation once the overburden has been respread and the topsoil replaced. Sand and gravel operations where glacial deposits are being extracted are particularly appropriate for such lower level restoration.
Sand and Gravel
SAND AND GRAVEL

3.1 Two main types of sand and gravel deposit occur within the County: river terrace deposits of the Trent, Soar and Wreake Valleys, and glacial deposits occurring in isolated pockets especially in areas to the south and west of Leicester. The depth of deposit and consequently the yield varies between these types of deposit. The river gravels are the more important source due to their relatively consistent grading, low percentage of fine material and uniform thickness. Glacial deposits tend to be irregular in thickness and quality, but can, locally, have superior yields than river gravels. There were 9 operational sand and gravel quarries within Leicestershire in 1992.

a. Production

3.2 National, regional and county production figures for sand and gravel between 1984 and 1993 are set out in the table below together with the County’s contribution to regional production. The figures indicate that production of sand and gravel increased between 1984 and 1988/9 but has subsequently fallen again. Information for the East Midlands and Leicestershire has been obtained from operational sand and gravel quarries as part of the Aggregates Monitoring (AM) surveys undertaken on behalf of the East Midlands Regional Aggregates Working Party.

<table>
<thead>
<tr>
<th>Year</th>
<th>GB (Million Tonnes)</th>
<th>East Midlands (Million Tonnes)</th>
<th>Leicestershire (Million Tonnes)</th>
<th>County as % of Regional Production</th>
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<tbody>
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<td>99.7</td>
<td>10.9</td>
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<td>11.7</td>
<td>1.55</td>
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<td>13.2</td>
<td>1.45</td>
<td>11.0</td>
</tr>
</tbody>
</table>

Source: Business Monitor PA1007 (GB)
AM surveys (East Midlands and Leicestershire)
3.3 Between 1984 and 1988, the County's contribution to regional sand and gravel production was between 12 - 13%. Between 1989 and 1993, however, the County's contribution has fallen to 10.6%. This is largely attributable to the closure of an operation at Hemington during 1989 and its replacement at Acre Lane, Shardlow within Derbyshire.

3.4 With regard to the distribution of sales, the 1993 AM statistics show that 62% of Leicestershire's sand and gravel production was consumed within the County. This compares with 70% in 1989, the last year for which equivalent information is available. Significant quantities were exported to Warwickshire (21% in 1993 compared to 11% in 1989) and Nottinghamshire (9%, as in 1989).

3.5 The level of permitted reserves as at the end of December 1989 was 20.5 million tonnes. Between 1990 and 1993, a further 4 million tonnes of reserves were permitted. The level of reserves as at the end of 1991 would be sufficient for 14 years based on average production over the five year period 1989-93. These reserves however are not equally divided between operations. Of the 9 operational sites in 1993, 4 have less than 5 years life based on average production over the last 5 years, 1 has between 5-10 years life, 1 has between 15-20 years life and 3 have a life expectancy of over 20 years.

b. Demand Forecasts

3.6 MPG6 (Guidelines for Aggregates Provision in England), published in April, 1994, includes forecasts of the future demand for aggregates. It is indicated that primary aggregates demand in England and Wales could be between 370 and 440 mtpa by 2011. In order to meet the aims of the Guidance Note in a way which is consistent with the principles of sustainable development, the Government has concluded that a gradual change from the present supply approach is called for, so that over time less reliance will be placed on the traditional land won sources. So that options for future supply from alternative sources are not foreclosed by long term land won provision, the Government has concluded that provision should be made now for the period to 2006 only.

3.7 Over the 15 year period to 2006, MPG6 indicates that there is likely to be a demand from within the East Midlands region for approximately 540mt of aggregate materials. Other regions are likely to make demands on the region for an additional 265mt of primary aggregates. On the basis of this anticipated demand, the East Midlands will need to produce 715mt of aggregate material from primary land won sources within the region. 210mt of this is anticipated to be sand and gravel and 505mt crushed rock. The balance of the region's aggregates supply is expected to be met by imports from other regions (20mt) and secondary/recycled material (70mt).
3.8 It is necessary for the regional guidance to be disaggregated down to mineral planning authority level. MPs are responsible for facilitating the apportionment. In the East Midlands, this has been achieved through the Regional Forum, with the guidance and technical advice of the East Midlands Aggregates Working Party. The method adopted for the sub-regional apportionment of the 1993 guidelines between MPs was proportional split experienced over the five year period 1989-93. The County Council’s sub-regional apportionment figure for sand and gravel, as endorsed by the East Midlands Regional Planning Forum on 27th October 1994, is 10.6%. The Government recommends to MPs that sand and gravel provision should remain at similar levels throughout the period to 2006. On the basis of its sub-regional apportionment figure, Leicestershire will need to make provision for an annual requirement of 1.484mt of sand and gravel.

3.9 MPG6 states that, in the case of sand and gravel, MPs should aim to maintain a landbank for an appropriate local area, sufficient for at least 7 years extraction, unless exceptional circumstances prevail. It also states that, in preparing development plans, MPs should be able to demonstrate that sufficient resources have been identified or can be identified to ensure that the landbank can be maintained at the requisite level throughout the plan period. The landbank requirement should be calculated using the provision included in this plan as derived from the local apportionment of the Regional Guidelines expressed on an annual basis, i.e. 1.484mt.

c. Level of Additional Land Releases

3.10 The table below sets out additional requirements for sand and gravel production within Leicestershire over the plan period. The calculation assumes that the County will continue to make a contribution of 10.6% to regional production and makes provision for a 7 year landbank at the end of the plan period. The regional requirement (1992-2006) is as set out in paragraph A5.3 of MPG6. Assuming an average yield of 50,000 tonnes per hectare (20,000 tonnes per acre), 243 hectares (608 acres) of land within Leicestershire would need to be released to meet the remaining shortfall.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Requirement 1992-2006:</td>
<td>210 MT</td>
</tr>
<tr>
<td>County requirement 1992-2006:</td>
<td>22.26 MT</td>
</tr>
<tr>
<td>7 Year Landbank as at 2006:</td>
<td>10.4 MT</td>
</tr>
<tr>
<td>TOTAL REQUIREMENT:</td>
<td>32.66 MT</td>
</tr>
<tr>
<td>Permitted reserves as at 1.1.92:</td>
<td>20.5 MT</td>
</tr>
<tr>
<td>ADDITIONAL REQUIREMENT:</td>
<td>32.66 - 20.5 = 12.16 MT</td>
</tr>
</tbody>
</table>
3.11 The 9 active sand and gravel operations in the County as at the beginning of 1992 are more than able to meet an annual production of 1.5 million tonnes, based on their outputs in recent years. In addition the permitted extraction area at Soar Valley South, Leicester is currently dormant. It is therefore not considered that more than 9 sand and gravel operations need to be operational within Leicestershire at any one time. Historically, fewer larger operations have produced the same or greater outputs. The County Council does not therefore consider that it is necessary to maintain the same number of operating units.

3.12 Cross-boundary flows of sand and gravel between counties are common. No administrative area constitutes a closed market or demand system. A complex of several inter-related, often overlapping systems exists which may straddle county boundaries; each of which is centred on an individual pit. Local supply situations therefore need to be examined without regard to administrative boundaries.

3.13 Current permitted reserves together with extensions to existing operations at Ashby Parva and Husbands Bosworth should provide sufficient reserves to ensure that 6 pits remain operational throughout the plan period (i.e. up to 2006). These pits are at Rothley, Cadeby, Ashby Parva, Huncote, Shawell and Husbands Bosworth. Of these sites, it is recognised that the operations at Ashby Parva and Husbands Bosworth are unlikely to last as long as 2013 without further extensions. Consideration will be given to further extensions to these sites or the need for replacement sites when the Plan is reviewed.

3.14 Even with an extension to the existing operation at Hemington, the present operation is still expected to run out of reserves prior to 2006. In addition, the existing operations at Cossington and Syston are expected to be exhausted by that date. The County Council is not aware of any further significant reserves that could be worked in the vicinity of these operations. As a result, the County Council has examined potential sites for inclusion in the plan with a view to identifying 3 new sites as replacements for those operations which are expected to become exhausted during the plan period.

3.15 In identifying land for release, it is important to ensure that the release of land is controlled so as to prevent the premature exploitation of reserves and to protect the local environment from the impact of unnecessarily high levels of extraction. It is the County Council's intention therefore that identified extension areas follow on after the cessation of extraction of existing permitted areas, while new areas only be released as a replacement for a worked out pit.
d. Location of Additional Land Releases

3.16 MPG 1 states that development “plans should indicate in appropriate detail those areas within which there will normally be a presumption for mineral working.” MPG6 states that, in order to ensure as far as possible that land identified in plans is translated into workable reserves, mineral planning authorities should make reasonable efforts to satisfy themselves that the land is underlain by economically workable deposits of mineral and is likely to become available to the minerals industry within the plan period. As the first step in the evaluation of potential sand and gravel extraction sites, therefore, the minerals industry were asked to provide information in respect of sites within Leicestershire which they would wish to be considered to supplement information held by the County Council.

3.17 The implications of releasing additional sites for mineral extraction have been examined in general terms with agricultural, environmental, ecological, archaeological and highway viewpoints. This has been undertaken in consultation with the Ministry of Agriculture, Fisheries and Food, the Director of Museums, and (where appropriate) National Rivers Authority, English Nature and English Heritage. A summary of the principal considerations in respect of each of the preferred sites is set out below.

<table>
<thead>
<tr>
<th>Policy 15 Sand and Gravel Sites (Extensions)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a. Proposed Sites</strong></td>
</tr>
<tr>
<td>It is proposed to release land for sand and gravel extraction to be worked as extensions to, or in conjunction with, the extraction of minerals using existing plant areas located at:</td>
</tr>
</tbody>
</table>

(i) Tamworth Road, Hemington (Inset 1)  
(ii) Slip Inn Quarry, Ashby Parva (Inset 7)  
(iii) Welford Road, Husbands Bosworth (Inset 9)  
(iv) Gibbet Lane, Shawell (Inset 10)  

| **b. Release of Sites**                     |
| Proposals for sand and gravel extraction from these sites will normally only be permitted provided that: |

(i) a full supporting statement has been submitted containing satisfactory details regarding the proposed development particularly related to the amelioration of impact on residential amenity, the transportation of material to the plant site, and working and restoration proposals.  
(ii) extraction follows on after the cessation of sand and gravel extraction from existing permitted areas supplying the plant site. |
(iii) in respect of the site at Hemington, appropriate measures are taken to protect an important ecological area and to screen workings along Tamworth Road.

(iv) in respect of the site at Husbands Bosworth, appropriate measures are taken to avoid risk to groundwater resources and supplies, to protect water levels in the canal and to minimise the visual impact of workings from the canal.

(v) in respect of the site at Ashby Parva/Dunton Bassett, appropriate measures are taken to protect important landscape features and habitats in the vicinity.

c. Advanced Planting

Prior to the grant of any planning permission the County Council will encourage advanced planting both on and off the above sites in order to ameliorate the impact of the eventual operations.

3.18 The County Council considers that extensions to existing operations at Hemington, Ashby Parva, Husbands Bosworth and Shawell can be achieved without an adverse environmental impact subject to the submission of satisfactory details at the planning application stage.

i) Tamworth Road, Hemington. Land has been identified as a south-eastern extension to Ennemix Aggregates' existing operation. A water body on the northern boundary immediately adjacent to the River Trent is of district level ecological importance, and there are two wetland sites on the western boundary of parish level significance. These areas should be conserved and would provide important sources of flora and fauna for the recolonisation as part of the restoration process. Landscaping works along Tamworth Road will be necessary to screen operations. Water supply apparatus (Derwent Aqueduct) crosses the site and will need protection. Footpaths L91 and L91a run adjacent to the identified area. Planning permission was granted for extraction from the allocated area on 29th June 1994.

ii) Ashby Parva. Land has been identified as a western extension to Bruntingthorpe Gravels' current operation at Slip Inn Quarry. The extension is situated on gently sloping ground which generally falls northwards to the Broughton Astley Brook. Dunton Lane runs parallel to the western boundary. The village of Ashby Parva lies approximately 1km to the south-west whilst Dunton Bassett is situated a similar distance to the north-east. The area is largely hidden from these settlements by the existing topography. There would be views into the area from the A426 and Dunton Lane, but these could be ameliorated by appropriate landscaping proposals, in particular the protection and management of
existing trees and hedgerows in and around the area with their screening potential in mind, together with advanced planting along Dunton Lane. The area lies adjacent to a woodland and stream of parish level ecological interest. Measures may be necessary to protect these areas together with other important landscape features and habitats within the Broughton Astley Brook valley. The provisional Agricultural Land Classification Map indicates that the area comprises grade 3 agricultural land.

iii) Husbands Bosworth. Two areas have been identified as potential extensions to Redland Aggregates' existing operation. A small area east of Welford Road would represent a logical southern extension. Landscaping may be necessary to screen operations from the A50. Planning permission for extraction within this area was granted on 14th September 1994. A larger area has been identified west of Welford Road, between Station Road (to the north), Glebe Farm to the south and the Grand Union Canal to the west. Material would need to be transported to the existing processing plant by conveyor under the A50 to avoid additional traffic movements on the public highway. For the most part the site is well hidden by existing topography and vegetation. Views into the site would occur from parts of Welford and the Grand Union Canal and its towpath. The site comprises relatively high quality agricultural land (predominantly Grades 2/3a). The sand and gravel deposits in this area form the catchment for two public water supplies. A detailed hydrogeological survey will be required, prior to the grant of planning permission, to demonstrate that sand and gravel extraction will not adversely affect ground water resources.

iv) Shawell. Land has been identified west of Redland Aggregates' existing extraction operation north of Gibbet Lane, Shawell. It represents a logical extension, lying to the east of a ridgeline such that workings would not be visually prominent. Bridleway X27 runs along the eastern boundary of the site and Footpath X26 along the northern boundary. A high pressure gas main crossing the site will need to be protected or diverted as appropriate. The identified area is unlikely to be worked for some considerable time, given the level of permitted reserves remaining to be worked from the existing permitted area. As part of a legal agreement attached to the permission for the existing working area, the then operator (Steetley Quarry Products) agreed not to make any application for planning permission for mineral extraction within a safeguarded area adjoining the A426 Rugby Road. The identified land lies between this safeguarded area and the existing permitted area. Redland Aggregates consider that there is no reason why planning applications in the future should not be made for the safeguarded area, provided that the necessary measures are put into place to prevent views into the site. This is an issue to be considered in a future review of the plan.
Policy 16  Sand and Gravel (New Sites)

a. Proposed Sites

It is proposed to release land for the establishment of three new sand and gravel extractive operations at:

(i) Lockington Grounds (Inset 2)
(ii) Brooksby (Inset 4)
(iii) North Kilworth (Inset 8)

b. Release of Sites

Proposals for sand and gravel extraction from these sites will normally only be permitted:

(i) as a replacement for a worked out pit unless it can be demonstrated that there is a sufficient need to release additional resources, the demand for which cannot otherwise be reasonably met.

(ii) where a full supporting statement has been submitted containing satisfactory details regarding the proposed development particularly related to the amelioration of impact on residential amenity, the siting of the processing plant, screening and landscaping, access, the transportation of material to the plant site, and working and restoration proposals.

c. Factors in Respect of Specific Sites

The County Council will give particular consideration to the following factors in respect of specific sites:

Lockington Grounds - protection of Lockington Marshes SSSI and two scheduled ancient monuments

Brooksby - the restriction of operations at least until the Rearsby and Syston Northern Bypasses have been completed.

North Kilworth - highways improvements to the B5414 (Pincet Lane) and its junction with the A50; a routing agreement to prevent vehicles travelling to the south along Pincet Lane.

d. Advanced Planting

Prior to the grant of any planning permission, the County Council will encourage advanced planting both on and off the site in order to ameliorate the impact of the eventual operations.
3.19 Paragraph 3.14 indicates that new operations are needed to meet requirements to 2006. In order to maintain a broadly similar distribution of operations, at least one of these sites should be in the north of the county while the remainder should be in a position to serve Central Leicestershire. Preferred locations to satisfy the requirement for new operations are at Lockington, Brooksby and North Kilworth.

i) **Lockington.** An area has been identified which is bounded by the M1 in the west, the railway to the north, and Warren Lane to the south and east. Permission for extraction from this area was refused in 1983. Operations would be visible from the M1/A453 but there would be no significant impact on residential areas. Lockington Marshes SSSI lies to the east of the site: measures may be necessary to protect this interest. The area lies close to the specified road network: access to this should be possible without affecting residential properties. A Scheduled Ancient Monument lies south-east of Warren Lane, outside of the identified area, although its setting would be affected. An extensive associated complex of prehistoric and later archaeological remains does however lie partly within the area. Any extraction in this area will consequently require extensive and continuous archaeological provision of a highly specialist nature.

ii) **Brooksby.** This area lies to the south of the A607, Melton Road. It is obscured from surrounding settlements by the existing topography and vegetation. Views into the area occur particularly from Gaddesby Lane and along the A607, although this could be ameliorated by landscaping proposals. Thirteen residential properties are located in the vicinity of the mineral extraction area. The area comprises good quality agricultural land, including part of the Brooksby College Farm, but avoids the main area of Grade 2 land shown on the Provisional Agricultural Land Classification Map. A new right turning lane junction would be required for access onto the A607 in a suitable location. Development would not be desirable until the Rearsby and Syston Northern Bypasses are built. The Rearsby Bypass is programmed in the 1995/1996 TPP (Transport Policies and Programme) for completion in 1997/8. Improvements are also proposed to the A607 between Rearsby and Melton. The Rearsby Brook flows through the site and will need protecting: the northern sector of the stream is of ecological interest. The area contains a cropmark of a possible prehistoric enclosure. The area lies within an Area of Particularly Attractive Countryside in the Structure Plan. Any development proposals will need to ensure that there is no adverse effect on the character of the area: particular attention should be given to the siting of plant, landscaping and the phasing of operations. Preliminary investigations indicate that workable deposits are largely confined below the 70 metre AOD contour line. Bridleway H53 crosses the eastern part of the site between Spinney Farm and Spinney Farm Cottages.

iii) **North Kilworth.** This area lies 2km north of the village, 1.5km north-west of Husbands Bosworth, adjacent to the B5414 Pincet Lane near to its junction with the A50. The area is visible from higher ground to the east, which includes three farmsteads, from stretches of the A50 and from Pincet Lane itself. This could be ameliorated by landscaping proposals. There are a number of isolated residential properties nearby. The site mainly consists of Grade 3 agricultural land. There are no sites of ecological
interest within the identified area. An archaeological survey of the area will be necessary to assess its archaeological interest prior to the determination of any planning application. Satisfactory access could be gained subject to improvements at the site access/B5414 junction, and the B5414/A50 junction. A routing agreement would also be desirable to prevent vehicles travelling to the south along Pincet Lane. Planning permission for extraction south of the identified area was refused in 1988. A major factor in this decision was the impact of the processing plant. The area now identified would enable such plant to be located so as to be screened by existing woodland. Footpath Y62 crosses the north-western part of the identified area.

3.20 The Proposals Map identifies areas within which it is considered that a proposal for the release of land for sand and gravel workings can be approved. Physical features have been used to define the boundaries of identified areas wherever possible. Permission will only be granted where satisfactory details regarding the proposed development have been submitted. Any permission will be subject to conditions to minimise the impact of workings as set out in policy 5. Workings will be restricted in the vicinity of highways, railways, waterways, residential development and other sensitive areas. As a result, workings will be restricted within the identified areas and the permitted extraction area will not extend to the limits shown.

3.21 The areas identified for release are intended to meet requirements to 2006 whilst attempting to ensure the economic working of any new plant throughout its useful life and enable a comprehensive working/restoration scheme to be devised. It is not therefore expected that all the land proposed for release will be worked during the plan period. It is estimated that the proposed sites will yield 16.57 million tonnes of sand and gravel as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tamworth Road, Hemington</td>
<td>1.6 million tonnes</td>
</tr>
<tr>
<td>Ashby Parva</td>
<td>0.85 million tonnes</td>
</tr>
<tr>
<td>Husbands Bosworth</td>
<td>1.9 million tonnes</td>
</tr>
<tr>
<td>Cotesbach</td>
<td>2.0 million tonnes</td>
</tr>
<tr>
<td>Lockington</td>
<td>2.77 million tonnes</td>
</tr>
<tr>
<td>Brooksby</td>
<td>4.5 million tonnes</td>
</tr>
<tr>
<td>North Kilworth</td>
<td>2.95 million tonnes</td>
</tr>
</tbody>
</table>
e. Other Areas

Policy 17  Sand and Gravel (Unallocated Sites)

Proposals for sand and gravel extraction outside the areas identified on the proposals map will not normally be permitted unless:

(a) the development comprises limited, small scale extensions to existing quarries, or

(b) it can be demonstrated that demand cannot otherwise be reasonably met.

In the case of either a) or b), proposals will be assessed in accordance with the general principles set out in Policies 2 and 3.

3.22 It is expected that the sites proposed for release for sand and gravel extraction will provide more than sufficient material to meet requirements to 2006. There does not therefore appear to be an overriding need to release land in other locations, other than as limited small scale extensions to existing quarries.
Igneous Rock
IGNEOUS ROCK

a. Production

4.1 Igneous rock intrusions of economic importance occur on the flanks of Charnwood Forest and to the south west of Leicester. There were 7 operational igneous rock quarries within Leicestershire in 1992. National and County production figures for igneous rock are shown below for the period 1984 to 1993. These indicate significant increases in production. Since the mid 1970’s there has been virtually uninterrupted growth with output passing its previous 1975 peak in 1981/2 and then continuing to rise. The County contribution to regional crushed rock production has also gone up from about 38% in 1984 to almost 52% in 1993.

4.2 The reasons for the increases in the County’s production are that Leicestershire provides the nearest rock resources to the ever-expanding markets of south-eastern England, increased investment has occurred in major roads and extensive permitted reserves have been available at large quarries in the County. Average annual production from Leicestershire over the period 1989 to 1993 was 15.2 million tonnes. This represents 47.8% of regional crushed rock production over this period.

<table>
<thead>
<tr>
<th>Year</th>
<th>GB (million tonnes)</th>
<th>Leicestershire* (million tonnes)</th>
<th>County as % of Regional Crushed Rock Production</th>
</tr>
</thead>
<tbody>
<tr>
<td>1984</td>
<td>30</td>
<td>7.61</td>
<td>38.4</td>
</tr>
<tr>
<td>1985</td>
<td>31.7</td>
<td>8.45</td>
<td>39.3</td>
</tr>
<tr>
<td>1986</td>
<td>34</td>
<td>9.6</td>
<td>42.2</td>
</tr>
<tr>
<td>1987</td>
<td>39.5</td>
<td>10.9</td>
<td>41.3</td>
</tr>
<tr>
<td>1988</td>
<td>44.6</td>
<td>12.9</td>
<td>40.4</td>
</tr>
<tr>
<td>1989</td>
<td>46.8</td>
<td>14.3</td>
<td>42.6</td>
</tr>
<tr>
<td>1990</td>
<td>49.5</td>
<td>16.2</td>
<td>47.6</td>
</tr>
<tr>
<td>1991</td>
<td>46</td>
<td>13.64</td>
<td>45.1</td>
</tr>
<tr>
<td>1992</td>
<td>48.6</td>
<td>15.65</td>
<td>51.8</td>
</tr>
<tr>
<td>1993</td>
<td>49.2</td>
<td>16.46</td>
<td>51.8</td>
</tr>
</tbody>
</table>

* includes a small amount from Derbyshire
Source: Business Monitor PA1007 (GB)
AM Surveys (Leicestershire)
4.3 With regard to the distribution of sales, the 1993 AM statistics show that 61% of Leicestershire’s igneous rock production was consumed outside the County. This was slightly higher than in 1989. The main export destinations were the South East (20% in 1993 compared to 24% in 1989), the rest of the East Midlands particularly Northamptonshire (17.5% compared to 13% in 1989), East Anglia (8% compared to 9%) and the West Midlands (10% compared to 9%). The proportion of material transported by rail was 22%, slightly higher than in 1989.

4.4 The level of permitted reserves as at the end of December 1989 was 412 million tonnes including 60 million tonnes at dormant sites. Since 1990, reserves have either been permitted or there is a resolution to grant permission subject to a Section 106 Agreement at 4 operations totalling 190 million tonnes. Permitted reserves as at the beginning of 1992 would be sufficient for 22 years based on average production over the five year period 1989-93. Reserves are not however equally divided between operations. Of the seven operational sites, 4 operations have less than 15 years life based on average production over the last 5 years, although at 2 of these operations the County Council has since granted planning permission for additional extraction.

b. Demand Forecasts

4.5 Paragraphs 3.6 and 3.7 above set out the current national and regional guidelines for the provision of aggregates. The anticipated regional production of crushed rock between 1992 and 2006 is 505 million tonnes. The County’s contribution to regional crushed rock production has gone up from about 38% in 1983 to 51.8% in 1992/3. The contribution from the County’s igneous rock quarries to regional crushed rock production (including a small amount from a single Derbyshire site) over the five year period 1989 to 1993 was 47.8%. This has been endorsed by the East Midlands Regional Planning Forum as the County’s sub-regional apportionment figure for igneous rock. Applying this sub-regional apportionment figure, the county’s requirement over the period 1992-2006 would be 241.4 million tonnes, an annual average of 16.1 million tonnes.

4.6 Rock resources suitable for road making and building purposes are generally absent from south of a line between the Humber and Exe estuaries. Leicestershire is thus ideally placed to serve the South East, East Anglia and the East Midlands. Rock is transported to the South East, primarily North and West London, for use as coated roadstone and railway ballast. Leicestershire igneous rock is particularly hard and strong such that it is suitable for high quality uses for which lower standard aggregates cannot be substituted. Greater attention towards road surfacing materials with a longer life and higher specifications for railway ballast will make Leicestershire rock increasingly in demand.
c. Meeting Demand Requirements

4.7 The table below sets out the situation for igneous rock production within Leicestershire based on the sub-regional apportionment of the regional requirement set out in MPG6 as endorsed by the Regional Forum and the provision of a 20 year landbank at the end of the plan period (2006). (MPG6 suggests that a longer period than 7 years would be appropriate for landbanks for rock. Whilst not specifying how long that should be, 20 years seems to have been generally accepted as a reasonable timescale).

<table>
<thead>
<tr>
<th>Metric</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Requirement 1992-2006:</td>
<td>505 million tonnes</td>
</tr>
<tr>
<td>County Requirement 1992-2006:</td>
<td>241.4 million tonnes</td>
</tr>
<tr>
<td>20 yr landbank as at 2006:</td>
<td>322 million tonnes</td>
</tr>
<tr>
<td><strong>TOTAL REQUIREMENT:</strong></td>
<td><strong>563.4 million tonnes</strong></td>
</tr>
<tr>
<td>Permitted reserves as at 1.1.92:</td>
<td>340.6 million tonnes</td>
</tr>
<tr>
<td>Reserves permitted since 1.1.92:</td>
<td>145 million tonnes</td>
</tr>
<tr>
<td>Reserves permitted subject to S.106 Agreement:</td>
<td>45 million tonnes</td>
</tr>
<tr>
<td><strong>SHORTFALL 563.4MT MINUS 530.6MT:</strong></td>
<td><strong>32.8MT</strong></td>
</tr>
</tbody>
</table>

4.8 Minerals and Waste Disposal Policy 6 of the Leicestershire Structure Plan (1994) states

"Planning permission for igneous rock will only be granted where the proposal is to extend an existing operational quarry to ensure continuity of supply, provided that the environmental impact and other effects of the proposed development can reasonably be kept to an acceptable level. New quarries will only be considered if, in exceptional circumstances, the continuity of supply could not be met from existing quarries, or extensions to them, and provided that the environmental impact and other effects of the proposed development can reasonably be kept to an acceptable level."
Given the level of permitted reserves in relationship to future requirements as set out above, the County Council does not consider that it is necessary to make specific provision in this plan for future igneous rock extraction. In most cases, the long-term quarries have sufficient plant capacity to increase output in the event of higher than expected demand, and extensions to such quarries might be appropriate to ensure continuity of supply provided that the effects of the proposed operations in the vicinity of the site would be environmentally acceptable, having taken account of the potential alleviation of any impacts by appropriate measures. It is not considered appropriate at the current time to contemplate any new greenfield sites for igneous rock production.
Coal
a. Deep Coal Mining

Policy 18  Deep Coal Mining

If having had regard to all relevant policies contained in this local plan and the Leicestershire Structure Plan, it is decided to grant planning permission for deep mined coal extraction, the County Council will ensure that adequate safeguards are imposed (or seek to obtain legal agreements) with regard to the following:

a) dirt disposal
b) subsidence
c) the environment (during both construction and operational periods) concerning for example, appearance of buildings, traffic, dust, noise, other pollution
d) landscaping
e) rail traffic
f) implications of recruitment of labour
g) contribution to infrastructure and other costs (including road improvements)
h) the protection and management of interests of nature conservation importance and the creation of new wildlife habitats
i) the protection and management of sites of archaeological interest.

5.1 The last working colliery in North West Leicestershire (Bagworth) closed in February 1991. The new coal mine that is currently being developed at Asfordby will not be able to extract all the workable reserves that lie under North East Leicestershire (the Vale of Belvoir and adjoining areas). British Coal had originally intended to work the Coalfield from 3 mine sites, but the proposed development was not regarded as environmentally acceptable by the Secretary of State for the Environment. Policy 18 identifies safeguards which the County Council would wish to see imposed in the event of applications for further deep mined coal extraction.
b. Open Cast Coal Mining

5.2 British Coal has identified a relatively small area of the County within North West Leicestershire as an area of open cast coal interest. For a number of years, open cast coal has been derived from one large open cast coal site near Heather (called "Coalfield North") together with smaller joint fireclay and coal operations in the Ashby Woulde area and a further large site near Ashby ("Lounge") which has been worked in order to avoid the sterilisation of coal reserves as a result of the construction of the A42 Trunk Road.

5.3 Open cast coal production figures for the period 1983/4 to 1992/3 are shown below. These indicate that production has generally risen during the period to 1989/90, but fallen in the region and the County subsequently. In 1989/90 the County was the second highest producer, supplying 13% of national output. Annual average production between 1987 and 1991 was 2.2 million tonnes. This is higher than earlier levels, mainly due to the Lounge operation which was only permitted to avoid the sterilisation of reserves. The fall in production since 1990/1 is as a result of the completion of operations at Lounge and Coalfield North. The majority of open cast coal production is derived from British Coal sites. About 18% of national output was from licensed operations in 1992/3. About 30% came from such sources in Leicestershire in 1992/3, the highest level in the 10 year period.

<table>
<thead>
<tr>
<th>Year</th>
<th>Great Britain (Million tonnes)</th>
<th>Central West Region (Million tonnes)</th>
<th>Leicestershire (Million tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983/84</td>
<td>14.799</td>
<td>2.809</td>
<td>0.973</td>
</tr>
<tr>
<td>1984/85</td>
<td>14.898</td>
<td>2.509</td>
<td>0.974</td>
</tr>
<tr>
<td>1985/86</td>
<td>15.263</td>
<td>2.879</td>
<td>1.196</td>
</tr>
<tr>
<td>1986/87</td>
<td>14.596</td>
<td>2.618</td>
<td>1.309</td>
</tr>
<tr>
<td>1987/88</td>
<td>16.299</td>
<td>3.479</td>
<td>1.851</td>
</tr>
<tr>
<td>1988/89</td>
<td>18.047</td>
<td>4.874</td>
<td>2.260</td>
</tr>
<tr>
<td>1989/90</td>
<td>18.616</td>
<td>4.911</td>
<td>2.482</td>
</tr>
<tr>
<td>1990/91</td>
<td>18.271</td>
<td>3.824</td>
<td>2.069</td>
</tr>
<tr>
<td>1991/92</td>
<td>19.019</td>
<td>2.721</td>
<td>1.274</td>
</tr>
<tr>
<td>1992/93</td>
<td>17.842</td>
<td>1.931</td>
<td>0.483</td>
</tr>
</tbody>
</table>

Source: Opencast Coalmining Statistics
Compiled by County Planning Officers' Society
5.4 Minerals Planning Guidance Note 3 (MPG3) entitled “Coal Mining and Colliery Spoil Disposal” was issued by the Department of the Environment in July 1994. It provides advice to Mineral Planning Authorities on how to ensure that the development of coal resources can take place at the best balance of social, environmental and economic cost, whilst ensuring that extraction is consistent with the principles of sustainable development. The Government’s energy policy is to ensure secure, diverse and sustainable supplies of energy in the forms that people and businesses want, and at competitive prices consistent with wider economic policies, the promotion of energy efficiency and the full and proper protection of the environment.

5.5 MPG3 does not provide any target for national production, but states that it is for the operators to determine the level of output they wish to aim for in the light of market conditions. Policies for opencast coal mining should be consistent with national policy considerations and set out clear criteria against which individual proposals will be assessed.

5.6 Minerals and Waste Disposal Policy 5 of the Leicestershire Structure Plan (1994) states:

"Planning permission will normally be granted for the extraction of coal by opencast operations provided that the environmental impact and other effects of the proposed development can reasonably be kept to an acceptable level. In addition, in respect of major opencast coal operations (sites usually containing more than one million tonnes of workable coal reserves) planning permission will normally only be granted where:

(a) not more than one major site is operational, wholly or substantially, in Leicestershire at any particular period of time unless more sites would not have unacceptable environmental or other effects in the locality;

(b) the coal is not removed from the site by road unless the environmental or other effects of this are acceptable; and

(c) the site is contained within an agreed programme of opencast coal mining sites for the County”.

The County Council believes that not more than one major ‘coal only’ site should usually be operational at any one time because of the cumulative environmental effects of such operations within such a small geographical area. It is anxious to avoid the adverse environmental effects generated by road borne transportation and to avoid the effect of extensive opencast coal workings damaging investor confidence in the North West Leicestershire Area of Mining Decline Priority Area and holding back the process of economic, environmental and social regeneration.
Policy 19 Joint Coal and Fireclay Opencast Operations

Proposals for the joint extraction of coal and fireclay by opencast operations will normally be granted provided that the environmental impact and other effects of the proposed development can reasonably be kept to an acceptable level and where:

a) the sterilisation of valuable clay reserves is avoided;
b) it will not be necessary to stockpile clays over large surface areas; and
c) the proposal will substantially improve the environment or reclaim derelict land.

Where materials other than fireclay are associated with opencast coal, proposals for their extraction will normally be permitted provided that this does not prejudice the final satisfactory reinstatement of the land.

5.7 MPG3 suggests that provision should be made for proposals where extraction of coal from a site would facilitate the efficient and economic working of other mineral deposits on that site. Such joint working can avoid wasteful restoration, minimise subsequent environmental disturbance and prevent the unnecessary sterilisation of valuable mineral reserves. Joint operations involving the extraction of fireclay and coal within the Ashby Woulds area has led to the problem of clay stockpiles due to the more limited demand for the clays. Clay stocking problems could be compounded if more joint workings are allowed. The County Council recognises however the potential which such operations may have in assisting the reclamation of derelict land and general schemes for the improvement of the environment. Joint workings would not be acceptable where they are likely to prejudice the final satisfactory reinstatement of the land.

5.8 In an effort to resolve the environmental problems of the Ashby Woulds area of Leicestershire and create certainty for residents, landowners, and mineral operators, the Department of Environment promoted (through the County Council) the preparation of a regeneration strategy for the area. The preparation of a strategy has been overseen by the Ashby Woulds Regeneration Forum, which includes representatives from the local community, local authorities, the Department of the Environment and environmental organisations. A draft strategy was published for public consultation in July 1993. This involved a package of proposals for mineral working (coal and fireclay extraction), built development, land reclamation and community benefits. It was intended that the strategy would form the basis of the submission of a major consolidating planning application for mineral working in the area.
Other Minerals
OTHER MINERALS

a. Limestone

Policy 20 Limestone

Planning permission for limestone quarrying will normally only be granted where the proposal is to extend an existing operational quarry to ensure continuity of supply, provided that the environmental impact and other effects of the proposed development can reasonably be kept to an acceptable level.

6.1 Small isolated inliers of carboniferous limestone occur near the Leicestershire/Derbyshire border. Jurassic limestone extends over the whole of the eastern half of Rutland. There were 5 operational limestone quarries within Leicestershire in 1992. National and county production between 1984 and 1993 is shown below. Average annual production in Leicestershire over the five year period (1989-93) is 3.2 million tonnes.

<table>
<thead>
<tr>
<th>Year</th>
<th>GB (million tonnes)</th>
<th>Leicestershire (million tonnes)</th>
<th>County as % of GB</th>
</tr>
</thead>
<tbody>
<tr>
<td>1984</td>
<td>86.1</td>
<td>2.0</td>
<td>2.3</td>
</tr>
<tr>
<td>1985</td>
<td>89.3</td>
<td>2.4</td>
<td>2.6</td>
</tr>
<tr>
<td>1986</td>
<td>94.0</td>
<td>2.6</td>
<td>2.7</td>
</tr>
<tr>
<td>1987</td>
<td>107.0</td>
<td>3.0</td>
<td>2.9</td>
</tr>
<tr>
<td>1988</td>
<td>120.0</td>
<td>3.5</td>
<td>2.9</td>
</tr>
<tr>
<td>1989</td>
<td>125.0</td>
<td>3.3</td>
<td>2.7</td>
</tr>
<tr>
<td>1990</td>
<td>101.0</td>
<td>2.8</td>
<td>2.8</td>
</tr>
<tr>
<td>1991</td>
<td>107.8</td>
<td>3.1</td>
<td>2.9</td>
</tr>
<tr>
<td>1992</td>
<td>117.0</td>
<td>3.4</td>
<td>2.9</td>
</tr>
<tr>
<td>1993</td>
<td>105.9</td>
<td>3.5</td>
<td>3.3</td>
</tr>
</tbody>
</table>

Source: Business Monitor PA1007
6.2 Information has been obtained from the operational limestone quarries as part of the 1993 Aggregates Monitoring Survey undertaken on behalf of the East Midlands Regional Aggregates Working Party. County production in 1993 was 3.46 million tonnes, slightly more than in 1992. Approximately 52% of limestone is used for aggregate purposes.

The contribution from the County's limestone quarries to regional crushed rock production over the five year period 1989 to 1993 was 4.2%. This has been endorsed by the East Midlands Regional Planning Forum as the County's sub-regional apportionment figure for limestone. Applying this sub-regional apportionment figure, the County's requirement over the period 1992-2006 would be 21.2 million tonnes, an annual average of 1.4 million tonnes of limestone for aggregate purposes.

6.3 Estimated permitted reserves as at the end of 1993 were 105 million tonnes. This would be sufficient for 33 years based on average production over the five year period 1989-93. All sites had sufficient permitted reserves for over 15 years based on an average of their previous five years' production. In addition land exists within the County which is unworked but has the benefit of planning permission for limestone extraction. There are also a number of unworked ironstone permissions where the extraction of limestone is permitted. Given that all limestone operations have sufficient permitted reserves to last beyond 2006, Policy 20 only allows for extensions to ensure continuity of supply, provided that the environmental effects are acceptable.

6.4 Limestone extracted at Ketton is used in the production of cement. The production process also requires an input of suitable clays. MPG10 indicates that Ketton cement works has sufficient limestone and clay reserves with the benefit of planning permission to last for 30 years. No specific provision is therefore made within the plan. Proposals for the extraction of clays as required for cement making will be considered under Policy 26 (Other Minerals).

b. Brickclay

Policy 21 Brickclay

a. Proposed Sites

It is proposed to release land for brickclay extraction to be worked as extensions to, or in conjunction with, the extraction of minerals using existing plant areas located at:

(i) Shepshed Brick and Tile Works (Inset 3)
(ii) Desford Brickworks (Inset 6)
(iii) Ibstock Brickworks (Inset 5)
b. **Release of Sites**

Proposals for brickclay extraction from these sites will normally be permitted provided that:

(i) a full supporting statement has been submitted containing satisfactory details to safeguard the environment and ensure the satisfactory restoration of the site;

(ii) extraction follows on after clay extraction has substantially ceased within existing permitted areas supplying the brickworks.

c. **Advanced Planting**

Prior to the grant of any planning permission, the County Council will encourage advanced planting both on and off the above sites in order to ameliorate the impact of the eventual operations.

d. **Unallocated Sites**

Proposals for brickclay extraction outside the areas identified on the proposals map will not normally be permitted unless it is necessary:

(i) to ensure the life of long-term plant investment; or

(ii) to compensate for variations in the quality of deposits within areas which already have the benefit of planning permission.

In the case of either (i) or (ii), proposals will be assessed in accordance with the general principles set out in Policies 2 and 3.

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6.5 Clays derived from Keuper Marl are used for brickmaking, particularly high quality facing bricks. Keuper Marl deposits occur extensively throughout the County, although most workings have occurred within the Leicestershire Coalfield area, mainly as a result of historical economic factors. Commercially usable clays also occur in Rutland where they are used in particular for the manufacture of cement. There were 6 operational brickclay workings within the County in 1992. National and County production between 1984 and 1993 is shown below.
Brickclay Production

<table>
<thead>
<tr>
<th>Year</th>
<th>GB (million tonnes)</th>
<th>Leicestershire (million tonnes)</th>
<th>County as % of GB</th>
</tr>
</thead>
<tbody>
<tr>
<td>1984</td>
<td>17.8</td>
<td>0.72</td>
<td>4.0</td>
</tr>
<tr>
<td>1985</td>
<td>18.9</td>
<td>n.a.</td>
<td>-</td>
</tr>
<tr>
<td>1986</td>
<td>17.2</td>
<td>0.77</td>
<td>4.5</td>
</tr>
<tr>
<td>1987</td>
<td>17.9</td>
<td>0.97*</td>
<td>5.4</td>
</tr>
<tr>
<td>1988</td>
<td>18.5</td>
<td>0.8*</td>
<td>4.3</td>
</tr>
<tr>
<td>1989</td>
<td>19.0</td>
<td>0.78</td>
<td>4.1</td>
</tr>
<tr>
<td>1990</td>
<td>15.9</td>
<td>0.89</td>
<td>5.6</td>
</tr>
<tr>
<td>1991</td>
<td>13.0</td>
<td>0.83</td>
<td>6.4</td>
</tr>
<tr>
<td>1992</td>
<td>12.1</td>
<td>0.73</td>
<td>6.0</td>
</tr>
<tr>
<td>1993</td>
<td>10.9</td>
<td>0.82</td>
<td>7.5</td>
</tr>
</tbody>
</table>

* with Northamptonshire
Source: Business Monitor PA1007

6.6 The County Council carried out an independent survey of clay operators in 1989. Completed forms were returned for all 8 brickclay workings then operationally within the County. County production increased by 15% between 1987 to 1989, rising from 530,000 tonnes in 1987 to 614,000 in 1989. Average annual County production over the three year period was 570,000 tonnes. All excavated material was used for brick, pipe and tile production. Estimated permitted reserves of brickclay as at the end of 1989 were 13 million tonnes. This would be sufficient for 23 years based on average production 1987-89. Reserves were not equally distributed between operations: for 3 sites (Shepshed, Desford and Ibstock), the level of permitted reserves were not considered adequate to meet requirements to 2006. For each of these 3 sites, potential additional clay reserves have been identified adjacent to the current permitted area. At current production levels, the level of permitted reserves at Ketton which is used in cement manufacture is considered adequate to meet requirements to 2006.

6.7 Given that 3 sites do not possess sufficient reserves to meet requirements to 2006, “areas of search” for brickclay extraction have been identified as extensions to, or in conjunction with, the extraction of clays from the existing plant areas at Shepshed, Desford and Ibstock. Outside the identified areas, brickclay extraction will only be allowed in exceptional circumstances. Capital expenditure for modern brickworks requires assured supplies of clay for at least 30 years. Additional permissions may therefore be required in certain instances to ensure the life of long-term plant investment. Deposits may also be found to vary necessitating the release of new reserves to continue the life of the brickworks. Such exceptional releases of land can only be considered against the general principles set out in the plan.
6.8 The County Council considers that extensions to existing brickclay operations at Shepshed, Desford and Ibstock can be achieved without an adverse environmental impact subject to the submission of satisfactory details at the planning application stage. Any permission will be subject to conditions to minimise the impact of workings (as set out in policy 5) and to ensure satisfactory restoration (as set out in policy 11). All the sites contain Grade 3 agricultural land and are of minimal ecological interest.

(i) Shepshed Land has been identified adjacent to Charnwood Brick and Tile's current operation at Shepshed. An area west of Ingleberry Road would represent a logical eastward extension. Appropriate landscaping proposals would be necessary to screen the operations from the properties to the north and from the road.

(ii) Desford Land has been identified adjacent to Butterley Brick’s current operation off Heath Road, Bagworth. An area north of Heath/Merrylees Road would represent a logical eastward extension. Appropriate landscaping proposals would be necessary to screen the operations from adjoining roads, the Merrylees Industrial Estate, and from the direction of Thornton to the north. Footpaths R70 and R71 cross the site.

(iii) Ibstock Land has been identified adjacent to Ibstock Brick’s current operation off Leicester Road, Ibstock. An area between Pretoria Road and Leicester Road, Ibstock would represent a logical eastward extension. Appropriate landscaping proposals would be necessary to screen the operations from the western edge of Ellistown. Footpath N61 runs along the eastern boundary of the site.

c. Fireclay

<table>
<thead>
<tr>
<th>Policy 22 Fireclay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposals to extract fireclay alone will normally only be permitted where:</td>
</tr>
<tr>
<td>(a) it is necessary to ensure the life of long-term plant investment;</td>
</tr>
<tr>
<td>(b) particular qualities of clay are required which cannot otherwise reasonably be obtained from existing permitted areas or stockpiles; or</td>
</tr>
<tr>
<td>(c) substantial environmental improvement can be achieved</td>
</tr>
</tbody>
</table>

6.9 Pottery, pipe and refractory clays of excellent quality are found in the Ashby Woulds area of North West Leicestershire between Swadlincote and Moira. Clays are also used for refractory uses at an operation within Rutland. There were 4 operational fireclay workings within the County in 1989. National and County production between 1984 and 1993 is shown below. Leicestershire remains the leading producer in the country, although output in recent years has been substantially less than in the 1970’s.
Fireclay Production

<table>
<thead>
<tr>
<th>Year</th>
<th>GB (million tonnes)</th>
<th>Leicestershire (million tonnes)</th>
<th>County as % of GB</th>
</tr>
</thead>
<tbody>
<tr>
<td>1984</td>
<td>0.76</td>
<td>0.29*</td>
<td>38.1</td>
</tr>
<tr>
<td>1985</td>
<td>0.83</td>
<td>0.28</td>
<td>29.7</td>
</tr>
<tr>
<td>1986</td>
<td>0.94</td>
<td>0.3</td>
<td>31.7</td>
</tr>
<tr>
<td>1987</td>
<td>0.9</td>
<td>0.23</td>
<td>25.0</td>
</tr>
<tr>
<td>1988</td>
<td>1.06</td>
<td>0.3</td>
<td>28.3</td>
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<tr>
<td>1989</td>
<td>1.05</td>
<td>0.34*</td>
<td>32.4</td>
</tr>
<tr>
<td>1990</td>
<td>0.89</td>
<td>0.33</td>
<td>37.1</td>
</tr>
<tr>
<td>1991</td>
<td>0.87</td>
<td>0.39</td>
<td>44.8</td>
</tr>
<tr>
<td>1992</td>
<td>0.57</td>
<td>0.22</td>
<td>38.6</td>
</tr>
<tr>
<td>1993</td>
<td>0.48</td>
<td>0.23**</td>
<td>47.9</td>
</tr>
</tbody>
</table>

* with Northamptonshire
** with Northamptonshire and Derbyshire
Source: Business Monitor PA1007

6.10 Information was received for all existing 4 fireclay operations within the County from the Council's 1989 survey. County production fluctuated over the three year period 1987-9, average annual production being 315,000 tonnes. 87% of excavated mineral was used for non-refractory bricks, pipes and tiles, and 9% for refractory uses (including refractory bricks, pipes and tiles). Estimated permitted reserves of fireclay (including that contained in stockpiles) as at the end of 1989 were over 8 million tonnes. This reserve figure excludes information for Moira Pottery (where reserves had not been fully assessed) and Hicks Lodge (planning permission for the extraction of 750,000 tonnes of fireclay having only been issued in March 1990). The level of reserves would be sufficient for 25 years based on average production 1987-89. All of the existing operators considered that the level of permitted reserves were adequate to meet their requirements to 2006. In view of the level of permitted reserves, proposals to extract fireclay alone will only be allowed in exceptional cases.
d. Ironstone

Policy 23 Ironstone

Proposals for the establishment of ironstone operations will not normally be permitted.

6.11 Deposits of iron ore occur in eastern Leicestershire. Around 1,350 hectares of ore bearing land have been worked although no extraction has occurred within the County since 1974. Future workings are not envisaged given the continued use of imported iron ore for steel making.

e. Gypsum

Policy 24 Gypsum

Proposals for surface or underground gypsum workings will not normally be permitted.

6.12 Gypsum deposits occur in the northern part of the County, on the Nottinghamshire border, east of Loughborough. Planning permission was granted on appeal in 1980 for the extraction of gypsum by underground methods from some 3,400 hectares near Barrow Upon Soar. This area contains reserves of some 22 million tonnes, which is considered sufficient to meet demand for the foreseeable future. The mine is currently being developed.

f. Oil and Gas

Policy 25 Oil and Gas

Proposals for oil and/or gas exploitation will be treated on their merits in the light of the general principles set out in Policies 2 and 3.

6.13 Oil has been exploited in the carboniferous rock formations of the East Midlands. Production began in Leicestershire in 1953. 11 production wells were developed in the Plungar area, but all had been abandoned by 1980. Exploration licences have been granted covering parts of the County and a number of proposed oil exploratory operations have been permitted within the County in recent years. Planning permission was granted for the exploitation of oil from an oilfield south of Long Clawson in 1990.
6.14 National policy in respect of oil and gas, as contained in DoE Circular 2/85, is to encourage exploration for and production of the country's own oil and gas reserves. It is recognised, however, that there may be circumstances where, exceptionally, the environmental implications will be so great that the proposed development cannot be permitted on a particular site. It is not considered that the implications of such development within Leicestershire warrant the formulation of more detailed policies.

Policy 26 Other Minerals

Proposals to work minerals other than those referred to above will be treated on their merits in the light of general principles set out in Policies 2 and 3.
Other Mineral Developments
OTHER MINERAL DEVELOPMENTS

a. Borrow Pits

<table>
<thead>
<tr>
<th>Policy 27  Borrow Pits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposals for the establishment of temporary borrow pits will normally be permitted provided that each of the following applies:</td>
</tr>
<tr>
<td>(a) it is required specifically to supply major construction works;</td>
</tr>
<tr>
<td>(b) material is transported to the construction project without the use of the public highway system;</td>
</tr>
<tr>
<td>(c) proposed operations are located in close proximity to the construction project and are so designed to reduce to acceptable levels visual and noise intrusion and disturbance to local residents;</td>
</tr>
<tr>
<td>(d) the site can be satisfactorily restored without the use of imported materials other than that generated by the construction project itself;</td>
</tr>
<tr>
<td>(e) material cannot reasonably be supplied with less environmental disturbance from existing sites with planning permission for mineral extraction;</td>
</tr>
<tr>
<td>(f) the proposed operations would not cause demonstrable harm to interests of acknowledged importance as set out in policy 3.</td>
</tr>
</tbody>
</table>

7.1 Major construction works, particularly those associated with new roads, often need considerable quantities of mineral. The excavation of material near to such works can have the considerable advantage of preventing heavy and concentrated flows of traffic along public roads. Such workings could, therefore, be acceptable in locations where extraction would not otherwise normally have been permitted provided that appropriate environmental safeguards covering the working and restoration of sites can be achieved. Restoration should not involve the importation of materials other than the use of surplus material arising from the construction works themselves. In recent years, planning permissions have been granted for borrow pits within Leicestershire related to the construction of the A6 Quorn-Mountsorrel Bypass and the A1-M1 Link Road (Catthorpe Interchange).
b. Mineral Exploration

Policy 28 Mineral Exploration

Proposals for exploratory operations will be treated on their merits. Any permission granted for such operations will be without prejudice to the consideration of further proposals for mineral development. Any permission granted for exploratory operations will be for a temporary period only and will require the full reinstatement of the site following completion of operations. Proposals for exploratory operations will not normally be permitted where they would cause demonstrable harm to interests of acknowledged importance as set out in Policy 3.

7.2 The carrying out of certain small-scale and temporary exploratory operations undertaken for the purpose of exploiting minerals is permitted development by virtue of Part 22 of Schedule 2 of the Town and Country Planning General Development Order 1988. The operations permitted are the drilling of boreholes (except for oil or gas exploration), the making of other excavations, the carrying out of seismic surveys and certain related ancillary development. Under part 20, class D of schedule 2, British Coal have the right to prospect for coal workable by opencast methods. Where planning permission is necessary, the County Council will apply the normal environmental safeguards that would be applied to other forms of mineral development. It is recognised that restoration provisions in respect of proposals for oil and gas exploration need to be sufficiently flexible to enable testing or further appraisal operations to be carried out in the event that hydrocarbons are encountered. Any exploration borehole for use in surveys requires a consent under section 78(2) of the 1963 Water Resources Act.

c. Mineral Stocking Areas

Policy 29 Mineral Stocking Areas

Proposals for mineral stocking areas will normally only be permitted where:

(a) the stockpiles are located and/or appropriate measures can be taken so as to reduce to acceptable levels any disturbance to residential development and other sensitive areas by the generation of noise, dust, or any other nuisance;

(b) the stockpiles are located and either treated or screened as appropriate so as to reduce visual intrusion to acceptable levels; and
(c) the proposed point of access to the site from the public highway and the road system used to reach the site are adequate to cater for the anticipated level of traffic to be generated.

The height of stockpiles will be restricted where necessary in order to ensure that such areas do not become dominant landscape features.

7.3 The County Council is concerned that there should be certain safeguards to reduce the impacts resulting from the stockpiling of minerals. This has been a particular problem associated with fireclay and coal extraction. Reduced demand for fireclays has tended to increase the period over which graded stockpiles of fireclays are required to be stored on site. Substantial reserves of clay (in excess of 5 million tonnes) are stockpiled at Donington Island, Ashby Woulds. The clays are of different types which are blended before use in local manufacturing works. The clay stocks amount to about 25 years supply based on current rates of manufacture. The current planning permission requires the removal of all clay stocks by June 1994.

d. Surface Disposal of Mineral Waste

Policy 30 Surface Disposal of Mineral Waste

a. Assessment of Proposals

Proposals for the surface disposal of mineral waste will be assessed in the light of the following considerations:

(i) the visual appearance of the development;
(ii) noise and dust generation;
(iii) effect on land drainage and water supply systems of the area;
(iv) effect on important ecological habitats;
(v) effect on important sites of archaeological interest;
(vi) sterilisation of unworked mineral deposits;
(vii) current and future use of the land.
b. **Environmental Considerations**

Proposals for the surface disposal of mineral waste will not normally be permitted where they would cause demonstrable harm to interests of acknowledged importance as set out in policy 3. The use of agricultural land and areas of particular scientific interest for the surface disposal of mineral waste will be limited so far as may be reasonably practicable having regard to all material considerations.

7.4 MPG2 states that the land to be used for tipping should be carefully chosen. Considerations of amenity, the current and future use of land, the land drainage and water supply systems of the area and the need to avoid sterilizing mineral reserves are identified as factors to be taken into account. It is suggested that use of an evaluation framework prepared by Ove Arup and Partners for the assessment of alternative colliery spoil disposal options can assist the identification of realistic choices for tipping locations. MPG3 states that plans should set out policies which make provision for the disposal of colliery spoil. Policy 30 sets out factors to be taken into account in respect of proposals for the surface disposal of mineral waste.

e. **Removal of Material from Mineral - Working Deposits**

<table>
<thead>
<tr>
<th>Policy 31 Removal of Material from Mineral-Working Deposits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposals for the removal of material from mineral working deposits will be assessed in accordance with the general principles set out in policies 2 and 3, taking particular account of the following factors:</td>
</tr>
<tr>
<td>a) the need for, and importance of the mineral to be removed;</td>
</tr>
<tr>
<td>b) the potential for reclamation of the site after the deposits have been reworked;</td>
</tr>
<tr>
<td>c) the proposed operational arrangements, including the duration of the operation, transport to the processing plant and waste disposal.</td>
</tr>
</tbody>
</table>

7.5 In some cases, it may be economically viable to rework old tips utilising advances in technology to recover minerals which were previously considered to be waste products from mining. There have been a number of instances of coal tip washing operations in recent years within the County. The removal of material from mineral-working deposits requires planning permission unless it involves the removal of material from bona fide stockpiles or from certain small or temporary mineral-working deposits (see Part 23 of Schedule 2 of the Town and County Planning General Development Order 1988). MPG1 points out that this form of
mineral extraction has different implications for minerals planning than arise in traditional quarries. When formulating policies for this activity, it suggests that particular attention be paid to the need for, and importance of the mineral, the potential for reclamation of the site after the deposits have been reworked and the proposed arrangements (including transport to the processing plant and waste disposal). Policy 31 sets out factors to be taken into account in respect of proposals for the removal of material from mineral working deposits.

f. Associated Industrial Development

Policy 32 Associated Industrial Development

a. Assessment of Proposals

The County Council will assess proposals for ancillary development for the minerals industry in close proximity to extraction sites, with particular regard to their environmental and transportation effects.

b. Determination of Applications

Permission will normally only be given where there are clear overall environmental advantages in a close link between the industrial and mineral developments.

c. Planning Conditions

In granting planning permission for such associated industrial development, the County Council will normally attach conditions requiring that the use of buildings and plant cease on the cessation of the mineral extraction to which the development is linked and that the buildings and plant then be demolished, the site cleared and the land restored in accordance with an approved scheme.

7.6 The Structure Plan (Strategy Policy 4) indicates that built development in the countryside will not normally be appropriate. It is recognised, however, that there may be benefits for certain industrial development directly associated with the processing of extracted minerals to be located in close proximity to areas of mineral extraction, e.g. ready mixed concrete, concrete products and brick manufacture. Any planning permission for such development will however be time-limited to expire on the cessation of working from the associated extraction area.
7.7 The County Council is responsible for determining applications for planning permission for mineral processing plant on land forming part of or adjoining a mineral working site or where mineral is brought to the plant site by means of conveyor, pipeline or similar means, or by private road, waterway or rail; aggregates rail or water depots; plant used for coating roadstone or the production of concrete or concrete products or artificial aggregates where in or on land which forms part of or adjoins a mineral working site or is used for the transportation of aggregates by rail or water; cement manufacturing plant; and where the development would conflict with or prejudice the restoration of a mining working site (see Schedule 1 of the Town and Country Planning Act 1990). Certain types of surface development ancillary to mining operations do not require planning permission (see Part 19 of Schedule 2 of the 1988 General Development Order). Applications for other mineral related industrial development will be determined by the appropriate District Council.
Resource Conservation
RESOURCE CONSERVATION

a. Substitute Materials

Policy 33 Substitute Materials

The County Council will encourage the use of substitutes for naturally occurring minerals and, in particular, seek to use waste materials for its own reclamation schemes, road construction and other works as far as this is technically and economically possible, and environmentally acceptable.

The County Council will support initiatives which increase the use of substitutes for naturally occurring minerals, provided that the proposals are environmentally acceptable.

8.1 MPG1 encourages the use of mineral waste or other materials wherever practicable to reduce the demand on greenfield sites for mineral extraction. Aggregates are the principal materials for which waste and other materials (such as pulverised fuel ash) can be used as a supplement or substitute. DoE Circular 20/87 advises that highway authorities should identify at the earliest opportunity whether suitable waste material is likely to be available within a radius of about 10 miles of the prospective routes of a new road. MPG6 states that it is Government policy to encourage the use of secondary and recycled materials in construction and it is committed to increasing significantly the level of use. For the East Midlands Region 70mt of aggregates supply are to be provided from secondary and recycled material over the period 1992-2006.

8.2 Arup Economics and Planning completed a study in 1991 on the occurrence and utilisation of mineral and construction wastes as part of the DoE minerals planning research programme. The study indicates that, for most secondary materials, the principal disadvantage to their further use are transport costs. It suggests that potentially the most effective and direct measures to maximise use of secondary materials are those that alter relative prices in their favour such as a tax or industry-administered levy on primary materials. The study also suggests that further encouragement could be given to the establishment of construction waste recycling plants in urban areas. The County Council will support initiatives for the use of secondary aggregates and the recycling of materials to reduce demand for primary aggregates.

8.3 The use of secondary aggregates and recycled materials is an appropriate method of conserving natural resources and accords with the concept of sustainability. In November 1992, the County Council jointly prepared and publicised with Leicester City Council and Leicester Environment City Trust Ltd. ‘Building for the Environment’, an environmental good practice checklist for the construction and development industries. It offers helpful and constructive advice on good environmental practice, helping to move towards sustainable
urban development. It advocates, amongst other things, action to reduce material use
maximise the use of recycled materials and use secondary materials as much as possible.
Approximately 0.5 million tonnes per annum of construction and demolition waste is deposited
in licensed landfill sites within Leicestershire.

b. Safeguarding Mineral Resources

Policy 34 Safeguarding Mineral Resources

a. Mineral Consultation Areas

The County Council will update and refine the mineral consultation areas
notified to District Councils based on the latest available information.
The County Council will request that applications for development within
such areas and which could have the effect of sterilising proven mineral
resources of economic importance be referred to it by District Councils
for consultation.

b. Provision of Reserve Information

Where mineral reserves are believed to exist but are not proven, the
County Council may request the District Council to obtain from the
proposed developer information in respect of the existence or otherwise
of the mineral deposit before any application for development is determined.

c. Extraction in Advance of Surface Development

Proposals for the extraction of minerals in the advance of approved surface
development which would otherwise permanently sterilise proven mineral
reserves will normally be permitted provided that they are consistent
with the general principles set out in policies 2 and 3 and that:

(i) the proposed surface development would permanently sterilise a
significant quantity and quality of mineral;

(ii) mineral extraction can be completed and the site restored in an
acceptable timescale to allow the subsequent development to proceed
in accordance with an agreed programme;

(iii) the site can be restored in a suitable manner and to an appropriate
standard to allow the development to take place without materially
affecting its viability;

(iv) there would be no serious environmental impact.
8.3 MPG1 points out that, as mineral resources are finite, care must be taken to safeguard those deposits which are of economic importance against other types of development which would sterilize the deposits or be a serious hindrance to their extraction. Minerals and Waste Disposal Policy 4 of the Structure Plan states:

"Land will not be allocated and planning permission will not normally be granted for surface development which could sterilise important, economically workable deposits of minerals. Exceptionally where development of land is considered essential, and proven reserves would be permanently sterilised, planning permission will normally be granted for the prior extraction of the mineral".

8.4 The major threat to the protection of workable mineral resources comes from pressure for development around existing settlements. General Structure Plan Policies would often be adequate over much of the County as development in the countryside is strictly controlled. In considering certification of a local plan, the County Council will have regard to the effect of development proposals on mineral resources.

8.5 Provision is made under the Local Government, Planning and Land Act 1980 for the County Council to notify the District Planning Authorities of areas in which development is likely to affect, or be affected by, the winning and working of minerals other than coal (normally referred to as Mineral Consultation Areas). The County Council formally notified the District Councils of the areas affected and supplied them with copies of the plans relating to these areas in November 1983. Since these areas were drawn up, additional reserve information has become available, particularly in the form of the Soar/Wreake Valley Sand and Gravel Resource Assessments. The County Council therefore intends to refine and update the Mineral Consultation Areas based on the latest available information. It is recognised that knowledge of mineral resources within the County is incomplete. The County Council will consequently encourage initiatives which contribute to improved knowledge of mineral resources within the County.
Implementation and Monitoring
IMPLEMENTATION AND MONITORING

9.1 This Plan is intended to guide the County Council in the exercise of its powers as mineral planning authority. To that extent, the County Council will be responsible for the implementation of the policies contained in this document. Planning decisions and conditions attached to permissions will have a bearing on the allocation of resources to both the private and public sectors. For the most part, the direct costs of development will fall to mineral operators who will also implement the proposals for the development of land. The County Council will normally only be involved directly in the implementation of such matters as traffic management as highway authority, and environmental improvements such as landscaping, screening and reclamation which cannot be satisfactorily implemented through planning conditions alone. This will only occur in those cases where work is required outside an area proposed for working in a planning application.

Policy 35 Enforcement

The County Council will take appropriate steps to rectify matters in the event of unauthorised development and non-compliance with planning conditions or the terms of any legal agreements.

9.2 The County Council would hope to overcome any particular difficulties by means of persuasion and the good-will of mineral operators. It will not however refrain from use of its powers of enforcement where necessary. Under the Town and Country Planning Act 1990, the power to serve enforcement and stop notices in respect of mineral development rests solely with the County Council as mineral planning authority. Enforcement action may be taken in respect of operations carried out without planning permission or in breach of conditions and limitations attached to a permission. The Planning and Compensation Act 1991 introduced new powers to serve “Planning Contravention” and “Breach of condition” notices.

9.3 The Mines and Quarries Inspectorate has a duty to enforce the law as it relates to mines and quarries. District Council Environmental Health Officers are responsible for implementing the provisions of the Environmental Protection Act in respect of noise nuisance. The control of dust and smoke emissions is largely the responsibility of Her Majesty’s Inspectorate of Pollution (HMIP).
Policy 36 Plan Review

The County Council will prepare a second review of the plan within five years from the adoption of this document.

9.4 The Minerals Local Plan has been prepared on the basis of the best information available at the present time. Some of this information is imprecise, for example there is limited knowledge of the exact location of workable minerals in the ground. One of the biggest problems of planning ahead is future uncertainty. Circumstances change; it is difficult to forecast with any precision when certain developments will take place or when schemes will be completed: thus, changing economic conditions will have a great bearing on the demand for construction materials and the generation of waste, and hence the rate at which mineral extraction takes place and resultant voids are filled and reclaimed. Monitoring of the situation is therefore required in order to ascertain whether policies are being implemented as envisaged and to assess the need for further releases of land for extraction to maintain a forward supply of reserves.

9.5 Circumstances which will have to be closely monitored include:

a) changing national and regional policies, together with the effect of mineral policies adopted by other local authorities;

b) changes in supply and demand, both nationally and regionally, including major new engineering projects;

c) the availability of new information regarding the importance, location and scale of reserves;

d) changes in the mineral industry’s working methods and economics;

e) changes in transport costs, requirements and opportunities;

f) the quantity of reserves with planning permission;

g) the performance of operators in complying with conditions attached to planning permissions.

Monitoring will involve the collection of published material, an annual survey of aggregate producers (in conjunction with the East Midlands Aggregates Working Party), and the undertaking of original surveys and research.
9.6 Monitoring will enable the County Council to identify the need for specific programmes of action. It may suggest the reconsideration of policies and proposals contained in this document in the light of unforeseen developments. Thus, a fall in production compared with that forecast and/or a fall in national demand forecasts would mean that it is possible to extend the number of years over which remaining permitted reserves would last without releasing further areas of land for mineral extraction. If the opposite trend arises, it would be necessary to examine the possibilities of releasing further areas in order to maintain the forward supply of reserves.
Areas proposed for release for sand and gravel extraction as extensions to existing operations (Policy 15).

Areas proposed for release for the establishment of new sand and gravel extractive operations (Policy 16).

Areas proposed for release for clay extraction (Policy 21).
Leicestershire County Council
Minerals Local Plan Review

PROPOSALS MAP

Inset to Proposals Map

The county boundary represents the local area covered by the Local Plan.

Policies contained in the Plan apply to the whole of the Plan Area with the exception of Policies 15, 16 and 21.

Scale 1/250,000
Leicestershire Minerals Local Plan Review - Written Statement - May 1995

Inset 2
LOCKINGTON GROUNDS

Scale: 1/10,000

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Leicestershire County Council.

LOCKINGTON
HEMINGTONE CP

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Leicestershire County Council.
Inset 3
SHEPSHED
Scale: 1/10,000

Location of existing brickworks

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