

NORTH WEST LEICESTERSHIRE DRAFT LOCAL PLAN

BACKGROUND PAPER 7

Policy Ec4: Brickworks and Pipeworks

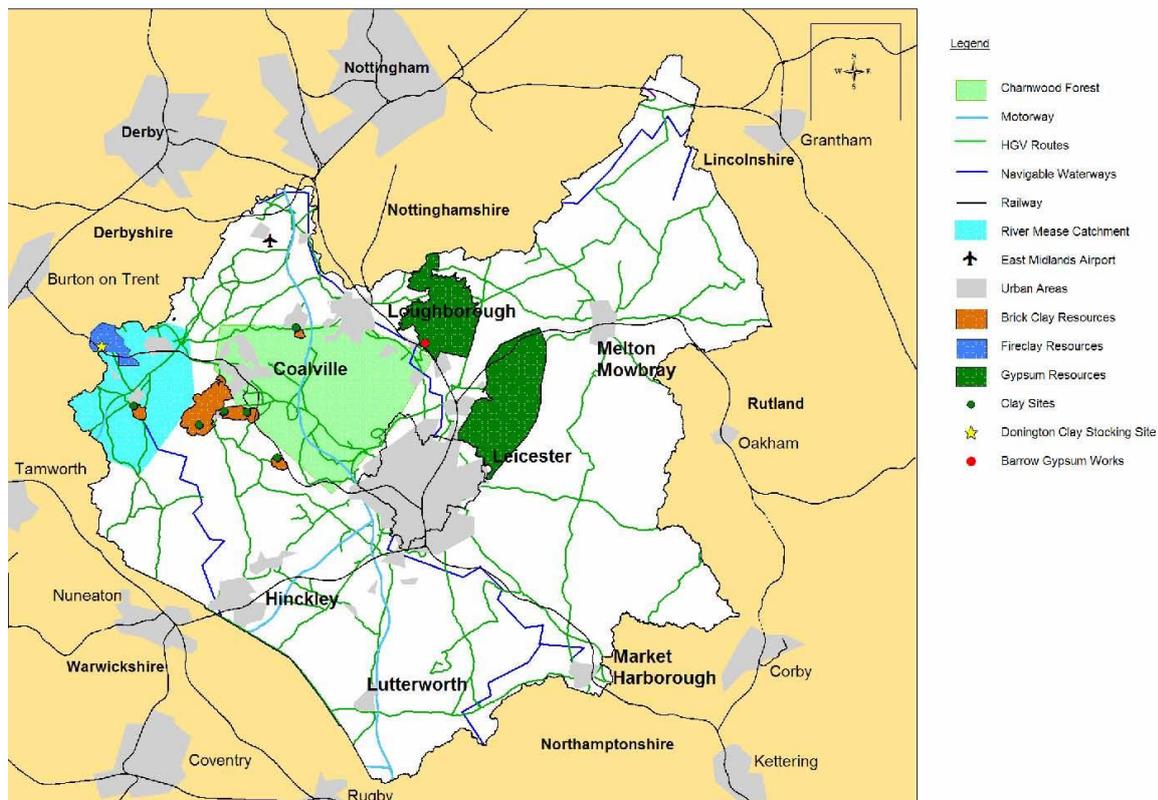
1 INTRODUCTION

- 1.1 This is one of a number of background papers which have been published to support the draft Local Plan. The purpose of these papers is to provide more information in support of Policy Ec4 (Brickworks and Pipeworks) than can be included in the draft Local Plan document itself if it is to remain of a manageable size.

2 BACKGROUND

- 2.1 There are currently 5 operational brickclay sites within Leicestershire, 3 of which are situated in North West Leicestershire at Ellistown, Ibstock and Measham. All sites have associated brickworks. There is a further brickworks site on land off Mill Lane, Heather, that was operational until 2006 but has now been demolished and the resultant site is currently being marketed. Pipeworks adjoin brickworks at both Ellistown and Measham, and there is a freestanding pipeworks at Blackfordby which uses clay from the nearby Donington Island.
- 2.2 Triassic Mercia Mudstone is the principal source of brickclay in Leicestershire. The resource occurs extensively within western Leicestershire. Brickclay is not only used for making bricks but also for clay tiles and vitrified clay pipes. Policy MCS3 of the Leicestershire Minerals Core Strategy only allows extraction from new brickclay sites if production cannot be maintained from existing sites or extensions.
- 2.3 A sequence of quality fireclays associated with the upper seams of the Middle Coal Measures of North West Leicestershire are found in a relatively small basin between Swadlincote and Moira. The extent of this area is indicated in blue on Figure 1, as shown in the Leicestershire Minerals Core Strategy.

Figure 1



2.4 A number of the sites are covered by restoration a condition which means we know what is going to happen to the site if their use was to cease over the plan period. However some sites do not have restoration conditions and we need to be clear about how we would deal with a situation where permanent production stopped during the plan period and proposals for the redevelopment need to be determined.

3 POLICY

3.1 Policy EC4 sets out the proposed approach in respect of the re- development of the existing Brick and pipeworks should their use cease overt the plan period.

Policy Ec4 –Brickworks and Pipeworks

- (1) **Redevelopment of the brick and pipe manufacturing works identified on the Policies map for employment uses (as defined in the Use Classes Order 2015) will be supported where it:**
 - (a) **Can be demonstrated that the site is not viable in the longer term for its current use;**
 - (b) **Redevelopment would not sterilise any know mineral reserves;**
 - (c) **Conforms to an agreed masterplan for the whole site, setting out the extent, type and form of development which ensures that development and**

- landscape treatments will be well integrated with existing and/or potential future development, both within the site and with adjoining land;
- (d) Would provide clear environmental and/or community benefit;
 - (e) Is satisfactory in terms of vehicular access arrangements, and its impact on the local and wider road network, including the need for highway improvements;
 - (f) Is satisfactory in terms of its effect on the amenities enjoyed by the occupiers of adjacent residential properties; and
 - (g) Incorporates substantial on and off site tree planting in accordance with the National Forest policies on this Local Plan.
- (2) Where redevelopment for employment use is shown to be not viable, or appropriate, or there is evidence that long term employment needs in the District have been addressed by existing and planned commitments then favourable consideration will be given to other uses which provide employment opportunities.
 - (3) Any development provided for within this policy which discharges wastewater into the Mease catchment will be subject to the provisions of policy En2. Any such development which does not meet these provisions will not be permitted. In addition, development will not be permitted until a second 'development window' for the Developer Contributions Scheme has been agreed.'

National Policy

- 3.2 In the UK, minerals are defined in Town and Country Planning legislation as “all substances in, on or under land of a kind ordinarily worked for removal by underground or surface working, except that it does not include peat cut for purposes other than for sale.”
- 3.3 Minerals are valuable national assets and vital to the economy. They are essential raw materials, providing resources for the manufacturing industry, construction and agriculture. Society enjoys important benefits from their extraction and use through their contribution to wealth creation, infrastructure, housing and consumer needs. However, the extraction of minerals can have major impacts on the landscape, environment and the quality of life of people living nearby. These impacts can be minimised through the development and application of national and local policies for the supply of minerals. The overall aim of mineral planning, therefore, is to meet the justified need for minerals, as far as practicable, at the least social, economic and environmental cost. Wherever possible, areas of designated landscape, nature conservation or heritage value are protected from mineral development.
- 3.4 Mineral working is different from other forms of development in that:
 - Extraction can only take place where the mineral occurs in sufficient quantity and of the desired quality;

- It is not a permanent use of land even though operations may take place over a long time;
- Careful thought needs to be given to a site's after-use when mineral working has come to an end.

3.5 Guidance for minerals planning is contained in the National Planning Policy Framework at paragraphs 143 to 149 which sets out the essential considerations to be addressed by authorities preparing minerals local plans or determining minerals planning applications. Further technical guidance is provided by the Department of Communities and Local Government in their online Planning Practice Guidance.

Local Policy

3.6 At the local level, Leicestershire County Council is responsible for minerals planning in the County, and is in the process of reviewing its adopted policies to produce a [new Minerals and Waste Local Plan](#). Current policies are contained within the Leicestershire and Leicester [Waste Core Strategy and Development Control Policies DPD](#) and the [Minerals Core Strategy and Development Control Policies document](#), both of which were adopted in October 2009. The Minerals document sets out the key principles guiding the future winning and working of minerals in the County and the criteria against which planning applications for minerals will be considered. It includes strategic objectives and core policies including policies for the supply of minerals. Policy MCS3 of the document sets out the strategy for brickclay – see box below.

Extract from Leicestershire Minerals Core Strategy and Development Control Policies Document (adopted October 2009)

POLICY MCS3 The strategy for **brickclay** is to

- allow extensions to existing sites where they are required to:
 - (i) provide a stock of permitted reserves to support the levels of capital expenditure required to maintain and improve existing brick-making plant and equipment; or
 - (ii) meet the likely demand for clay at the site's associated brick making plant;
- allow new brickclay extraction sites only where it can be demonstrated that production cannot be maintained from existing sites and appropriate extensions to existing sites;
- allow proposals for brickclay extraction only where they will not cause unacceptable harm to the environment or communities.

3.7 The policy indicates the desire to keep existing brickworks in production wherever possible making best use of local brickclay reserves.

3.8 Paragraph 4.33 of the Leicestershire Minerals Core Strategy and Development Control Policies Document provides information on the estimated reserves as of 1st January

2008 at each brickworks in the County. The information for the sites of relevance is summarised in table 1 as follows:

Table 1

Brickworks Site	Operator	Reserve	Source of Estimate
Ellistown	Ibstock Brick	80 years (i.e. up to 2088)	County Council survey in 2003
Ibstock	Ibstock Brick	30 Years (i.e. up to 2038)	County Council survey in 2003
Measham	Hanson	24 Years (i.e. up to 2032)	Operator

- 3.9 Table 1 above suggests that there are ample reserves of brickclay to keep the above three brickworks supplied during the local plan period of 2011 to 2031. However, it should be recognised that the above information is now somewhat dated.
- 3.10 The County Council intended originally to follow up their [Minerals and Waste Core Strategies](#) with Site Allocations documents, which would have included proposed areas for safeguarding. However, at its meeting on 12 June 2013, the County Council’s Cabinet resolved to commence the roll forward of the adopted Core Strategies into a single Minerals and Waste Local Plan, incorporating site allocations if required. As a first step in this process, in November 2013 the County Council published [an Issues Document](#) which sets out the key issues that the County Council considers are likely to influence the future strategy for minerals and waste planning in Leicestershire.
- 3.11 The Issues Document repeats broadly the information on brickclay set out in the Core Strategy. In relation to Mineral Safeguarding Areas (MSAs), paragraph 4.91 of the Issues Document states:

“Brickclay resources in Leicestershire are extensive and it is not considered that it is justified to safeguard large areas of the outcrop. It is therefore proposed to draw MSAs around existing sites taking account of the resource and existing infrastructure and using clear physical boundaries wherever possible.”

- 3.12 Paragraph 4.96 states:

“Incompatible development close to a MSA may lead to sterilisation of part of the resource. The BGS good practice advice suggests that it may therefore often be appropriate to extend the MSA beyond the resource boundary to take account of such risks, the extent of which will vary between minerals and the likely method of extraction. The County Council proposes to extend the boundary of MSAs beyond the area of the resource to prevent incompatible development from encroaching on a mineral extraction to the extent that the amenity of occupants of nearby developments could be affected by noise, visual intrusion or blast.”

- 3.13 Brickworks and pipeworks are vital to the construction industry, but consequently production is heavily influenced by economic conditions. The Measham Brickworks closed down in 2008 and there was no production at the site until a replacement brickworks opened in 2010. Accordingly, whilst the prospects for brickworks are good with demand for bricks in 2014 outstripping supply, there could be downturns in the economy or periods of uncertainty during the new local plan period. The possibility of closures or rationalisation of brickworks cannot be ruled out.
- 3.14 As a consequence it is therefore proposed that policy Ec4 should be included within the new Local Plan to replace Policy M2 in the 2002 adopted Local Plan.

M2:

“Redevelopment of the sites of the brick and pipe manufacturing works, identified on the Proposals map, will be permitted where it:

- (a) Is subject to a comprehensive assessment to determine the extent, form and type of redevelopment; piecemeal redevelopment will not be permitted;*
- (b) Is satisfactory in terms of vehicular access arrangements, and its impact on the local and wider road network, including the need for highway improvements;*
- (c) Is satisfactory in terms of its effect on the amenities enjoyed by the occupiers of adjacent residential properties: and*
- (d) Incorporates substantial on and off site tree planting in accordance with the National Forest policies of this Local Plan.”*

- 3.15 The following sites are identified in the adopted Local Plan:

- Ibstock brickworks
- Ellistown brickworks
- Redbank Brickworks, Measham
- Hepworths Albion Works, Woodville

- 3.16 The other sites considered within this document, have been the result of new development sites coming forward and were not previously identified within the adopted Local Plan.

- 3.17 The following section discusses each of the sites in turn to assess the appropriateness of including them within the new Local Plan under policy Ec4.

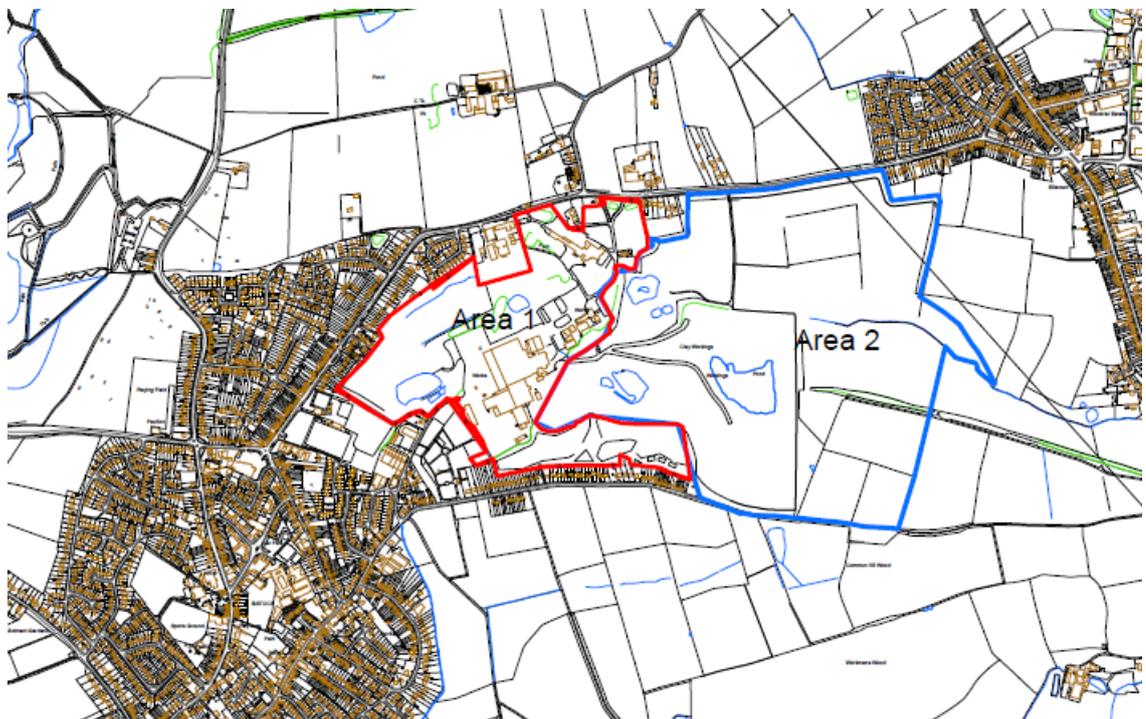
4.0 Ibstock Brickworks

- 4.1 Ibstock Quarry lies immediately to the east of Ibstock village. The site is bounded to the north by Leicester Road and to the south by Pretoria Road and is accessed off Leicester Road.
- 4.2 Clay extraction has taken place at the Ibstock site since around 1830. The first planning permission for clay extraction at the Ibstock site was granted in 1947. Subsequent permissions were granted in 1951, 1957, 1958 and 1968.
- 4.3 In 2001, planning permissions were granted to allow Ibstock Brick Limited, to export clay from their quarry at Ibstock, via a purpose built haul road, to their then recently

acquired brick making factory at Ellistown and to agree an additional area for stocking of clay. In 2003, planning permission was sought and granted to allow a change to the restoration plan, to enable replacement of a public right of way between Leicester Road and Pretoria Road.

- 4.4 Area 1 on the map below is subject to policy M2 in the adopted Local Plan (2002).
- 4.5 Area 2 on the map below is subject to a planning permission (98/0261/07) granted by the County Council on 11th February 1999 which consolidated existing planning permissions and extended clay extraction at the quarry. The permission also addressed the overall restoration of this application area. The restoration proposals anticipate a large wetland area surrounded by areas of woodland, grassland and agricultural land. There do not appear to be any planning conditions relating to restoration of the land occupied by brickworks building.

Figure 2 - Ibstock Brick works site plan



Land use change since 2002

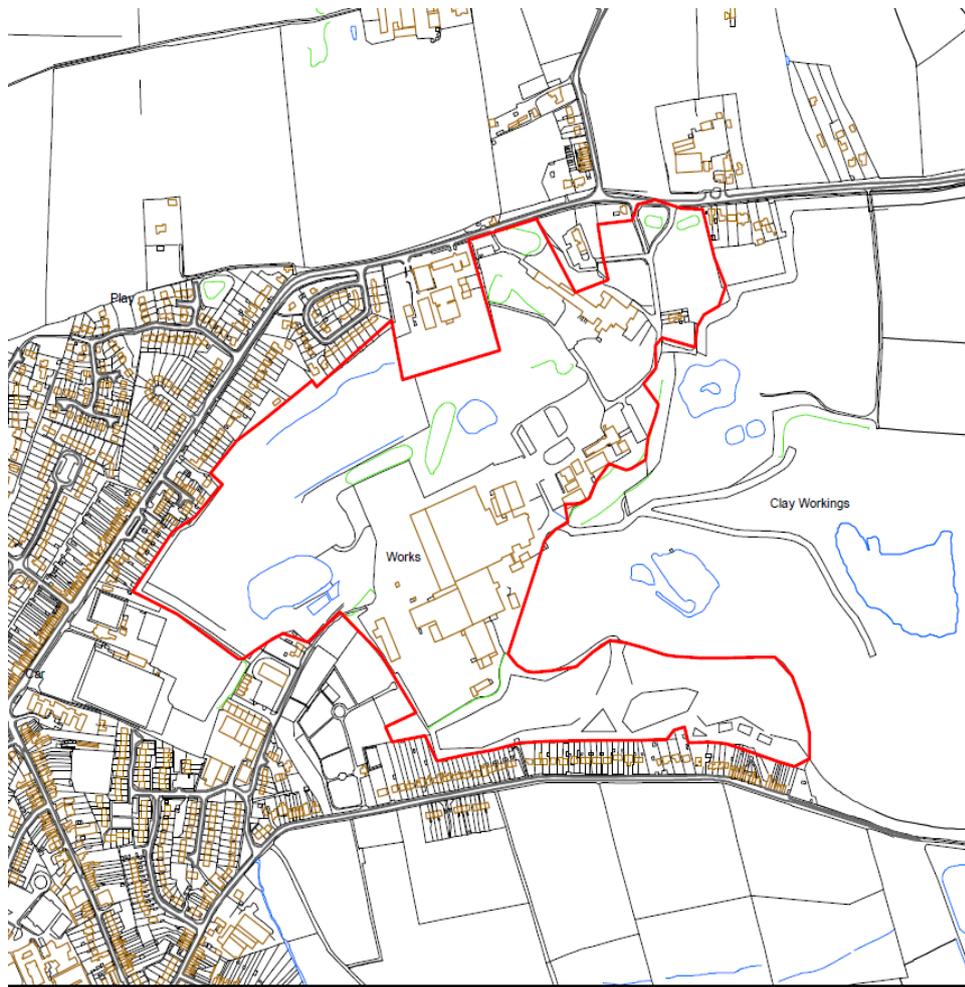
- 4.6 There have been relatively few land use changes in the immediate locality of the site. To the west of the brickworks, facilities have been developed on adjoining land at the Miners Welfare including a multi use games area and a football pitch. To the north of Leicester Road, the Sunnyside Garden Centre has diversified into retail sales and six new dwellings have been built near the junction with Richmond Road.

Issues Arising for New Local Plan

- 4.7 Ibstock Brick has recently been sold to an American private equity firm. The new owner's intentions are not known. However, it seems likely that the Ibstock Brickworks will continue to operate during the lifetime of the new local plan.
- 4.8 Notwithstanding the above, it is considered that it would be prudent to continue with a similar policy to that in the adopted Local Plan to provide some degree of certainty in the event of the closure of the brickworks during the plan period, subject to:
- a) Excluding the entire site occupied by businesses around Wellington House off Leicester Road – this site has no functional connection with the Brickworks site and is believed to be in separate ownership;
 - b) Excluding any land currently falling within the M2 site which is subject to an existing planning permission for clay extraction and subsequent restoration – this in effect means all land which falls within blue area and overlaps the red site area.
- 4.9 It is therefore proposed that new Local Plan Policy Ec4 will cover the following area.

Amended Site Plan for Ibstock Brick Works

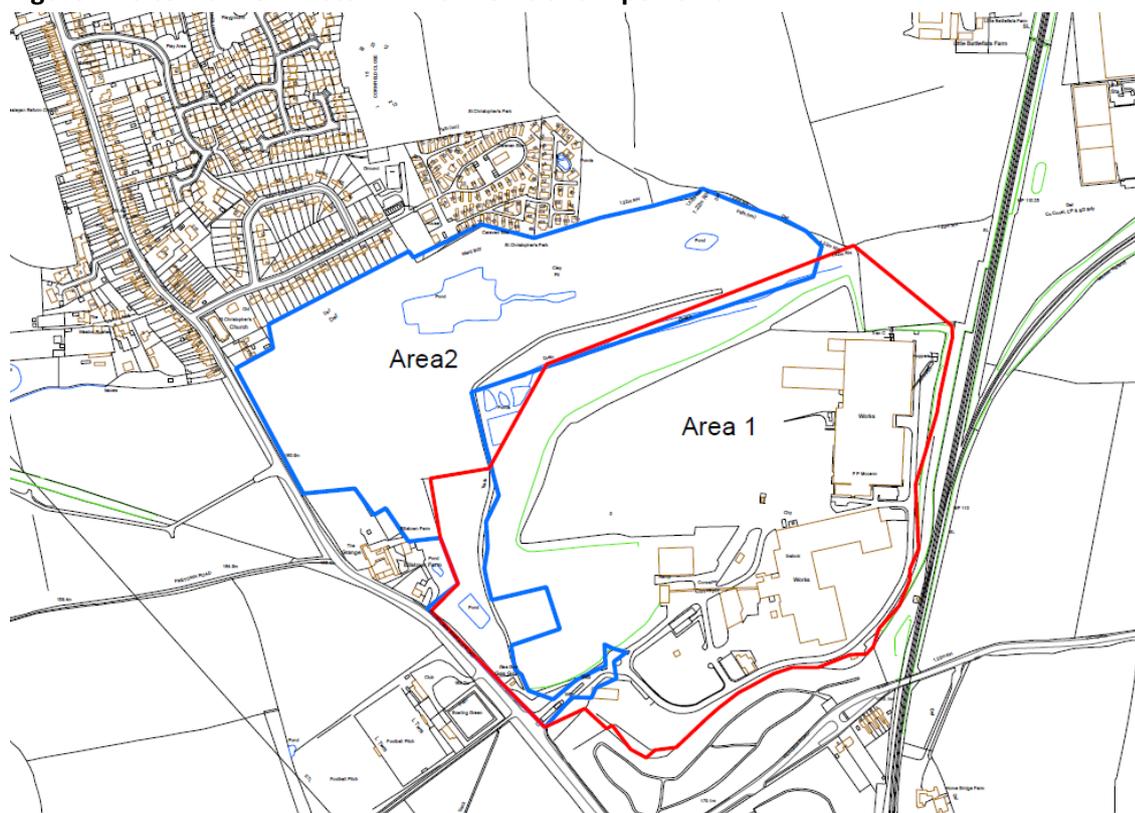
Figure 3



5.0 Ellistown Brickworks and Pipeworks

- 5.1 Ellistown Brickworks and Pipeworks lies immediately to the south of Ellistown. It comprises of a clay quarry immediately south of the built area of Ellistown together with the Brickworks and a concrete pipe works lie to the south east of the quarry.
- 5.2 Access to the works site is taken from Ellistown Terrace and the quarry is also accessed from this point. The nearest residential properties to the extraction area are situated on St Christopher's Road to the north of the quarry, other residential properties in close proximity are those on Whitehill Road and Ellistown Terrace Road (i.e. Ellistown Farm). Properties on St Christopher's Road are screened from the site by a bund and mature vegetation along the northern boundary of the quarry. A public footpath (number 455) runs along the north boundary of the site linking Ellistown Farm to footpaths running to the east of the site.
- 5.3 Area 1 on the map below is subject to policy M2 in the adopted Local Plan (2002).
- 5.4 Area 2 on the map below shows the boundary of land subject to extant planning permissions for clay extraction and restoration as outlined below.

Figure 4 - Site Plan for Ellistown Brickworks and Pipeworks



- 5.5 Planning permission was first granted for clay extraction at Ellistown in 1947 under an Interim Development Order (IDO). The IDO (398/47) was registered on 28th August 1992 and the application to determine updated planning conditions, to which the registered IDO permission would be subject to, was determined in 1994. On 15th December 2011 a review of this mineral permission and a new set of operating conditions were approved by the Leicestershire County Council Development Control and Regulatory Board (reference 2011/0625/07). As part of this consent a revised restoration scheme was approved, which allowed for the creation of a large water body.
- 5.6 However, on 24 April 2014 permission was granted to an application (2013/0924/07) to import infill to the current mineral extraction area and then to progressively restore the remainder following extraction of the brick clay. The intention is to start infilling at the eastern end of the site and to work westwards towards the current quarry extraction face and then to move south into an agricultural field consented for extraction. The application states that it will take 5-6 years to fill the current extraction void and that this will restore 70% of the quarry. After this period, infilling will occur as and when required following clay extraction, for which there is no definitive time period. Only inert material will be utilised in the infilling and it is anticipated that some 550,000 cubic metres of imported inert material will be required to complete the infilling. This proposal, therefore, has amended the previously consented restoration scheme and will create a landform which is closer to that which existed prior to mineral extraction.

- 5.7 The Brickworks and Pipeworks and their associated storage and clay stockpiling areas fall within the area associated with the 2002 adopted Local Plan Policy M2 on the Proposals Map (Area 1 on figure 4), but the active and future quarry area does not. A large screening mound has been erected to the north of the M2 site separating it from the active quarry area. A further screening mound to the south of the M2 site, on the site of the former Ellistown Colliery, now supports young woodland which screens the site from 8 residential properties and Pall-Ex, a freight distribution company situated south of Victoria Road.

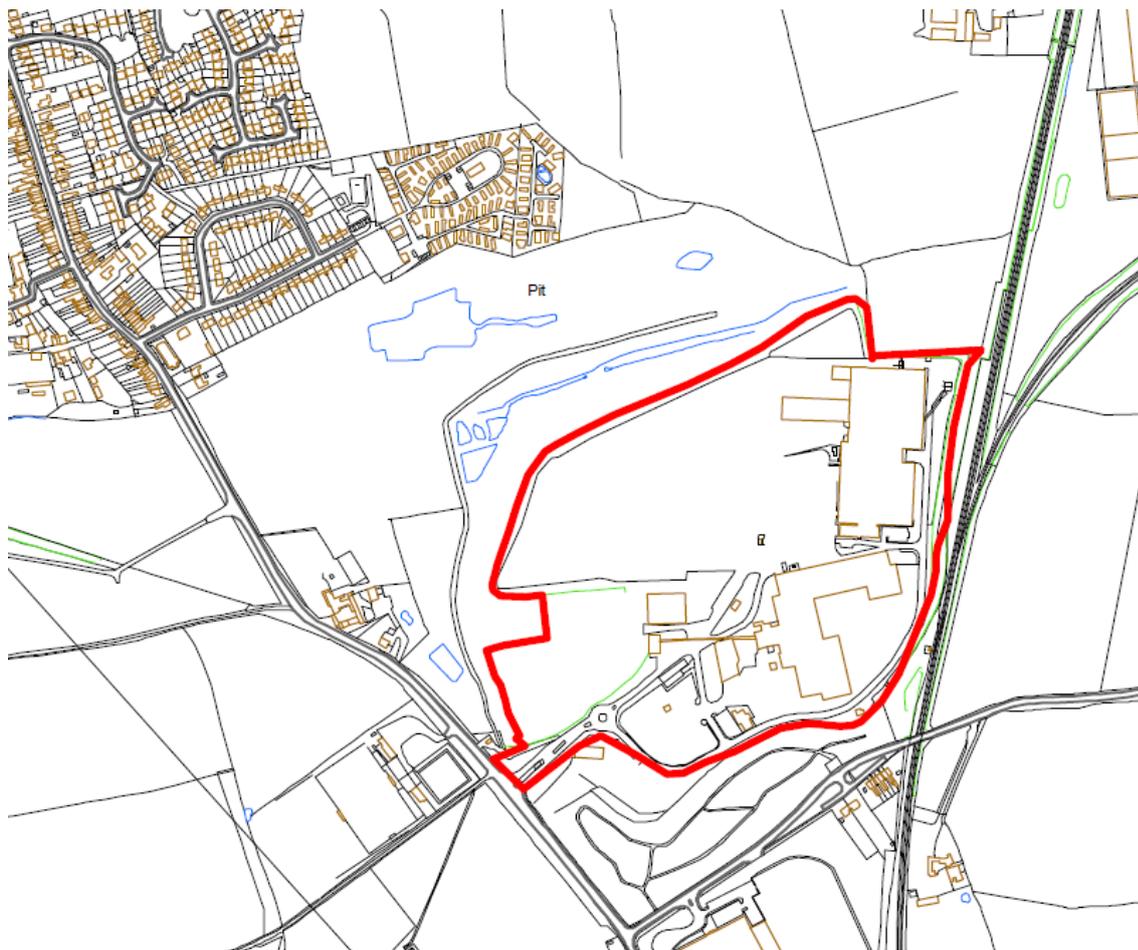
Land use change since 2002

- 5.8 The main change in the immediate locality since 2002 has been the planting of woodland on the buffer area to the south of the M2 site and the establishment of a large warehouse on a site to the south of Victoria Road.
- 5.9 Since 2002, construction of the Interlink Industrial Park at South Bardon has been completed. The Park has been developed for a mix of business (B1), industrial (B2) and storage and distribution uses (B8). Premises within the south-west corner of the Park are within 250 metres of the site, but separated from it by the Leicester to Burton railway which carries occasional freight trains.

Issues Arising for New Local Plan

- 5.10 The schedule of new conditions for Ellistown Quarry allows the extraction of clay until 21st February 2042. The Leicestershire Minerals Core Strategy estimated that there are enough reserves of brickclay at Ellistown, to last until 2088.
- 5.11 It seems likely that both the Ellistown Brickworks and the Pipeworks will continue to operate during the lifetime of the new local plan.
- 5.12 Notwithstanding the above, it is considered that it would be prudent to continue with a similar policy to that in the adopted Local Plan to provide some degree of certainty in the event of the closure of the brickworks during the plan period, subject to:
- a) Excluding a small field in the north eastern corner of the current M2 site; this field is in active agricultural use and has no functional relationship with the brickworks;
 - b) Excluding areas which are covered by the restoration plan approved as part of the latest mineral permission for the adjacent quarry (2013/0924/07) - with the exception of the internal access road onto Ellistown Terrace Road.

Figure 5 - Amended Site Plan for Ellistown Brickworks and Pipeworks



6.0 Hanson (formerly Redbank) Brickworks, Measham

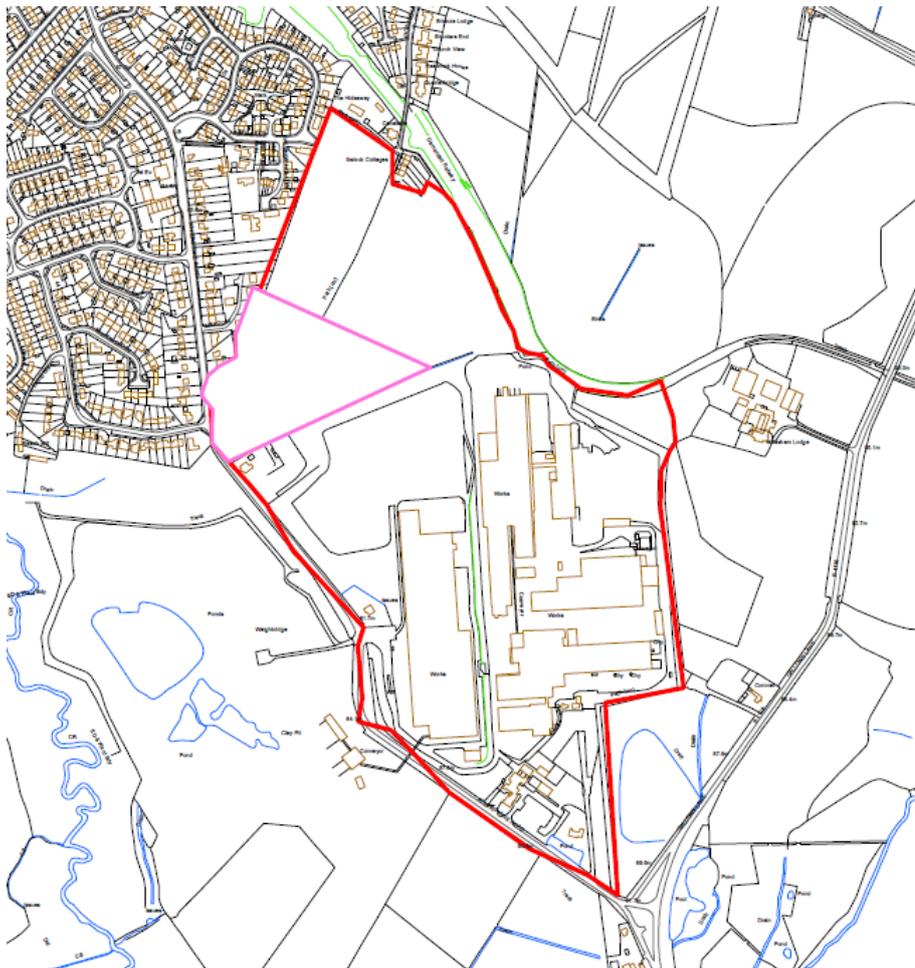
Location

- 6.1 Measham Brickworks is located on the southern periphery of Measham Village to the east of Atherstone Road. The site comprises of the brickworks to the north of Atherstone Road and a clay extraction area, known as Duckery Quarry, provides a significant part of the raw material supplies for the Brickworks and is situated to the west of Atherstone Road.
- 6.2 There are two access points to Measham Brickworks both off Atherstone Road. Staff and visitors predominantly use the southern entrance to the Brickworks, while the second entrance closer to the village of Measham is used by Heavy Goods Vehicles (HGV's). The entrance to Duckery Quarry is directly opposite to the HGV entrance. Atherstone Road has a vehicle weight limit restricting HGV's from travelling through Measham Village.
- 6.3 Measham Brickworks and associated extraction areas were owned for a considerable time by the Redbank Manufacturing Limited. Consequently this is why the adopted Local Plan refers to the site as the Redbank Brickworks. However, in 2004 Hanson

Brick purchased the brick making aspect of the site while Redbank Manufacturing Limited continued to operate the terracotta production and extraction areas. In January 2006 Hanson Brick purchased the terracotta operation and extraction areas and now own and operate the whole site. It is understood that Hanson Brick Ltd proposes to maintain the name Redbank in the production and sales of terracotta products.

- 6.4 The area in red on the attached plan corresponds to the area subject to policy M2 in the adopted Local Plan (2002).

Figure 6



- 6.5 Permission for continued extraction at the Duckery was approved under application (2006/1543/07). This also included replacement brickworks within the policy M2 site. The previous brickworks was over 30 years old and nearing the end of its life. The new brickworks, which was officially opened in September 2010 incorporates the latest technologies including high level process control and automation, as well as energy efficiency measures and reduced emissions. The new brickworks are capable of producing 100 million bricks per annum compared with the previous production rate of 20 million bricks per annum. In addition, the new brickworks have been designed to allow for the possible future addition of another drying section and kiln, which, at a

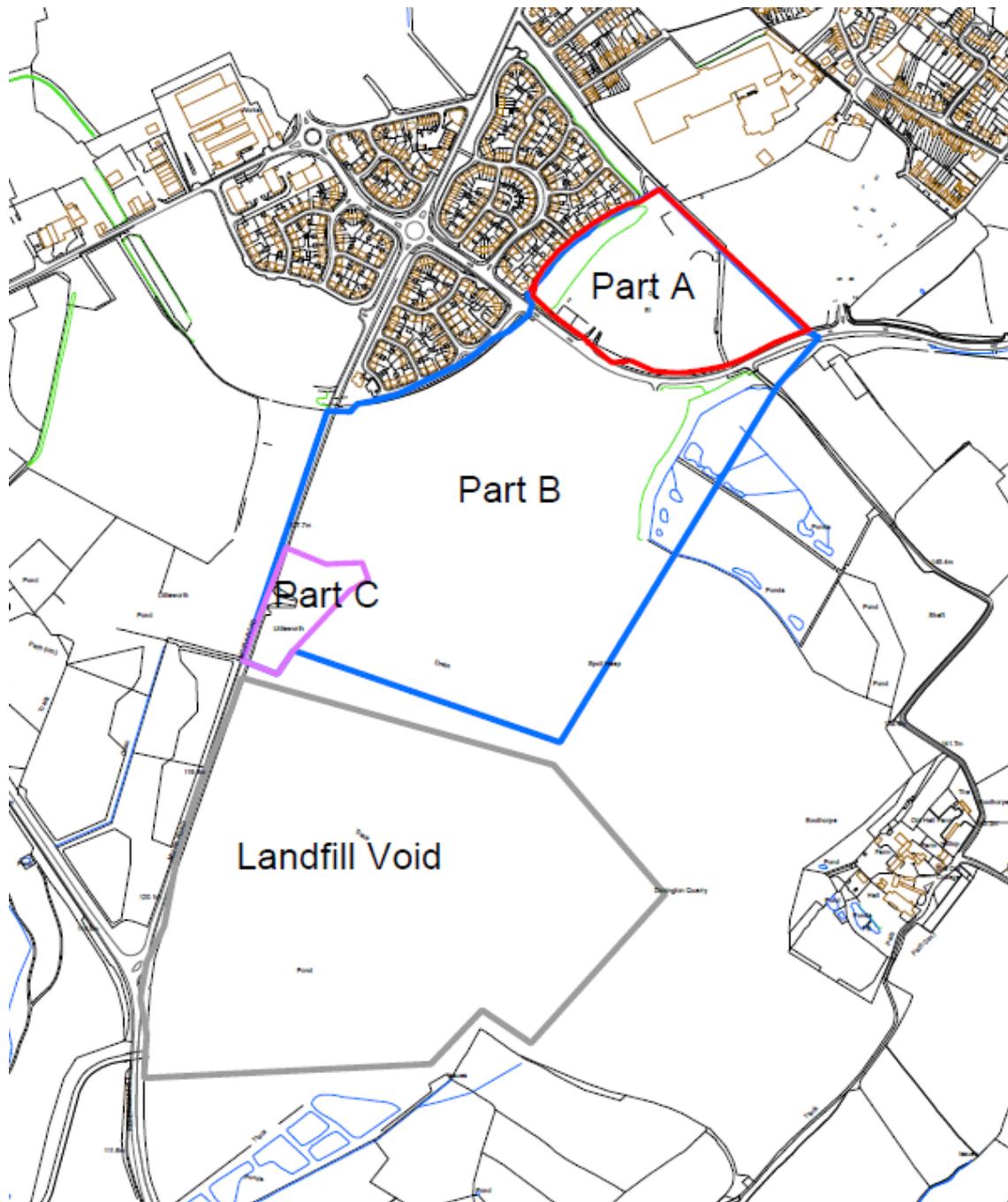
cost of around one third of the original investment, would double output to 200 million bricks a year.

- 6.6 A condition attached to the permission means that the permission shall expire on 31st December 2042 by which date all mineral extraction shall have ceased and the extraction areas shall have been restored and reclaimed in accordance with the conditions attached to this permission. Unless otherwise agreed in writing by the Mineral Planning Authority the use of the brick factory and works buildings shall cease not later than 2 years from the permanent cessation of clay extraction. The area occupied by the factory and works buildings would then have to be restored according to a plan whose details would have to be agreed with the Minerals Planning Authority.
- 6.7 Therefore, this part of the site subject to policy M2 in the adopted Local Plan is now subject to a restoration condition which suggests that there is no need for a policy similar to M2 for this area.
- 6.8 In terms of the remainder of the M2 area, the area in pink on the map is subject to an application for residential development (14/00273/FULM). Therefore, it is no longer necessary to have a policy similar to M2 for this area.

7.0 Hepworths Albion Works, Woodville

- 7.1 This site is in the north west of the District, and adjoins the County boundary with Derbyshire on the southern edge of Woodville. Much of the adjoining land in Derbyshire has been developed for housing in recent years. The site is around 700 metres east of Albert Village, north of the Albion Landfill Site and east of Moira Road. The new link road between Moira Road and Butt Lane crosses the site.
- 7.2 The three areas in red, blue and pink on the attached plan corresponds to the area subject to policy M2 in the adopted Local Plan (2002).

Figure 7 - Site Plan Hepworths Albion Works, Woodville



7.3 Part A covers around 6 hectares of land in the north eastern part of the site. In 2004 the Council gave permission to application (02/01416/OUT) which proposed employment development on this land. This application was and is part of a wider development scheme called Woodville Woodlands which covers the former sites of the John Knowles and Son Works, the Sanitary Pipe Works and the Albion Works. Most of the wider Woodville Woodlands development site lies within South Derbyshire. In 2004 South Derbyshire District Council approved application (9/2001/0050) on the land in its area for a mix of residential, employment and open space uses together with a link road. The link road connects the A511 at Butt Lane, with Moira Road and Occupation Lane.

- 7.4 Much of the Woodville Woodlands scheme has now been implemented. However, the proposal for employment development on land within North West Leicestershire on Part A of the Policy M2 site has proved difficult to implement. Consequently this part of the site – known as Phase 5 of the Woodville Woodlands scheme - has been the subject of two permissions for residential development. The most recent planning permission (13/00733/FULM) for 190 dwellings was approved on 11 Oct 2013.
- 7.5 Part B covers the bulk of the area associated with Policy M2 and forms part of an area covered by a land reclamation scheme (LCC ref: 1998/0569/07) approved by the Leicestershire County Council in 1998. The scheme proposed woodland creation on the remainder of the Policy M2 area and this part of the scheme has been implemented.
- 7.6 Planning permission for the New Albion Landfill site (located to the south-west of the site subject to M2 in the adopted Local Plan – the area outlined in grey on Figure 7 above) was granted in 1999 (planning application ref. 98/0569/7). Information submitted with the application stated that a gas flare and power generation plant would be located on land which forms Part C of the M2 site. The gas plant was installed in 2009 and is currently operated by Veoila. The landfill gas plant on Part C of the site may be operational after restoration of the landfill site, but when production ceases the site will be incorporated into the wider restoration scheme.
- 7.7 Having regard to the fact that part of the site is being developed (Part A), part has been restored (Part B) and Part C is currently used for a gas flare and generation plant and is subject to restoration conditions there is no longer a need for a policy similar to M2 in the new Local Plan.

8.0 Heather Brickworks

- 8.1 Demolition of the former brickworks off Mill Lane Heather has been completed in recent years, leaving a cleared brownfield site of around 4.6 hectares. Leicestershire County Council has confirmed that the site is not subject to any planning conditions requiring restoration. This is a large site situated within an area designated in the adopted local plan as countryside. National Planning Policy encourages local planning authorities to make effective use of land by reusing brownfield land.
- 8.2 In view of the fact that there are no restoration conditions attached to the site it is considered that this site should also be covered by the new local plan policy Ec4 relating to the comprehensive development of brickworks.

Figure 8 - Site Plan for Heather Brickworks



8.0 Forest Works, Blackfordby

- 8.1 The Forest Works situated to the north west of the village of Blackfordby. The site, which extends to over 4 hectares, relies on clay from the Donington Island clay stocking site which is due to close in 2017. Donington Island is situated about a mile west of the Forest Works site. Wavin has indicated that they would wish to retain an area for clay stocking at Donington after 2017.
- 8.2 Consequently it is suggested that this site should also be covered by new Local Plan Ec4 requiring a comprehensive plan for redevelopment should the site become disused during the plan period

Figure 9 - Site Plan for Forest Works, Blackfordby

