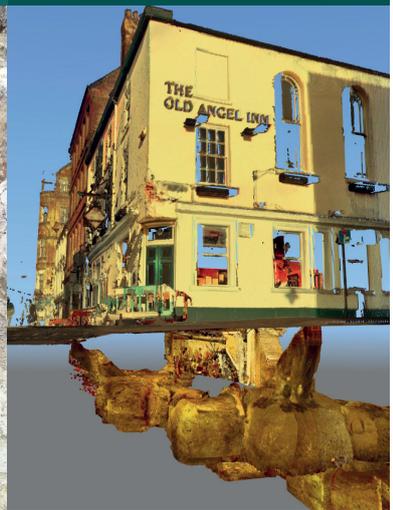
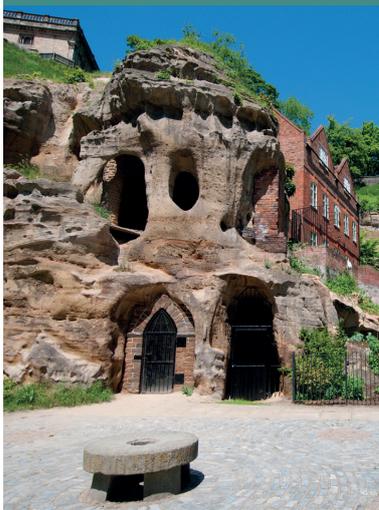


SUPPLEMENTARY PLANNING  
DOCUMENT

# Management of the Caves of Nottingham



November 2019



Nottingham  
City Council

## **Quick guide to the Caves Supplementary Planning Document:**

This document provides guidance to inform the management of development proposals, which could affect caves. The document supplements policies of the Local Plan Part 1 (Greater Nottingham Aligned Core Strategies (2014)) and the emerging Local Plan Part 2 (Land and Planning Policies Document).

# Foreword



I am delighted to endorse this Supplementary Planning Document for Caves. Caves are a key feature of Nottingham's historic environment and the City has more caves made by people than any other British City. Their antiquity, functions, extent and number make them a unique asset nationally. They are important heritage assets and complement development, encourage tourism and provide research opportunities.

This document provides guidance to developers, and further informs on the management of development proposals that could affect caves, in accordance with the emerging Land & Planning Policies Local Plan (Part 2).

A handwritten signature in black ink, which reads "Linda Woodings". The signature is written in a cursive, flowing style.

Councillor Linda Woodings  
Portfolio Holder for Planning, Housing  
and Heritage

# Purpose and status of the document

This Supplementary Planning Document (SPD) has been prepared to provide further detail to that set out in the Nottingham City Local Plan Part 2 (2019) regarding the management of caves in the planning process. Nottingham City Council will refer to this document when considering planning applications or offering pre-applications advice, and will expect applicants and their agents to do likewise. Definitions of terms used are provided in the Glossary attached to this document. The adopted SPD will be a material consideration when determining planning applications

The SPD conforms to the National Planning Policy Framework (NPPF) and is supplementary to the Local Plan Part 1 (Greater Nottingham Aligned Core Strategies (2014) and the emerging Local Plan Part 2 Land and Planning Policies document (LAPP). Policy HE2: Caves, of the emerging LAPP is set out below:

## **Policy HE2: Caves**

1. Within the City Centre Caves Area, as shown on the Policies Map, or elsewhere within 10 metres of a cave identified on the City Council's Historic Environment Record (HER), it should be assumed from the earliest pre-application stage that caves are present on a development site until demonstrated otherwise.
2. When submitting planning applications for development proposals which include new build, extensions, changes of use or any other type of development involving below ground intrusion, or works to the ground floor that have the potential to permanently prevent future access to caves, on sites where caves exist or there is potential for caves to exist, applicants will be required to submit a Caves Assessment, which will provide sufficient information to assess the known and potential presence and significance of caves and the impact of proposals upon their significance and that of the wider caves resource.
3. Proposals will be expected to recognise, conserve and enhance caves as a nationally unique feature and assess the impact of proposals upon the significance of the Nottingham Caves resource through:
  - a) preservation of the caves from harm during site investigation and construction, and sensitive incorporation of these into development;
  - b) retention of access to caves where existing, and where possible providing access where this does not exist: and
  - c) providing appropriate record and interpretation, where this does not already exist (or is not adequate to support the application).
4. Planning permission will not be granted for developments which destroy, damage or block access to caves unless it is adequately demonstrated that no reasonable alternative is possible and they represent the best sustainable use of the site, and/or the merits of the proposals for the site bring substantial social, environmental or regeneration benefits, which outweigh the harm to the significance of the caves and cannot be delivered by other means.

## **Further Information**

If you would like any further information on this SPD, please contact Planning Services at the address below, by e-mail: [planning@nottinghamcity.gov.uk](mailto:planning@nottinghamcity.gov.uk) or by phone: (0115) 876 4447.

Planning and Building Control  
LH Box 5  
Loxley House,  
Station Street,  
Nottingham, NG2 3NG

If you would like to contact the City Archaeologist, please call: 0115 8761854  
or email: [uad@nottinghamcity.gov.uk](mailto:uad@nottinghamcity.gov.uk)

# 1.0 The Caves Resource

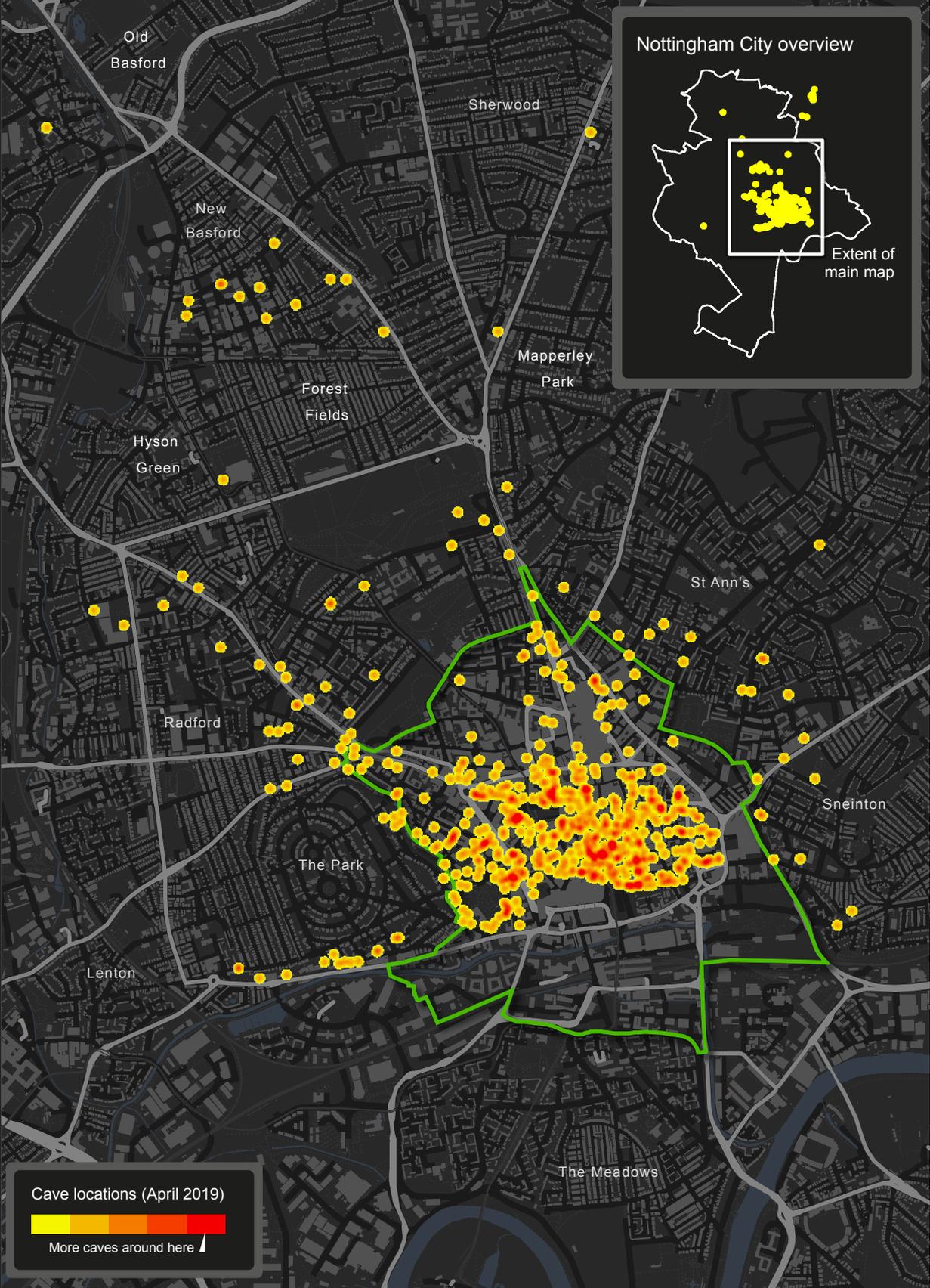
## 1.1 Spatial Distribution

The Historic Environment Record (HER) currently contains records representing approximately 860 sandstone caves and cave systems. The HER incorporates the work of earlier researchers but is also continually being updated as new caves are identified, and further discoveries are expected.

Most of the known caves lie in the city centre, within an area bordered by Lenton Boulevard and Radford Boulevard to the west, the Forest Road East cemetery and St Ann's to the north-east, and Sneinton to the east. Caves do, however, exist in outerlying areas and extend beyond the Nottingham City Council boundary.



# Nottingham Caves Location 'Hot Spot' Map



© Crown Copyright and database right 2019. Ordnance Survey Licence number 100019317.

## 1.0 The Caves Resource

### 1.2 Form, Function and Chronological Development

Over 800 artificial caves are preserved beneath the streets of Nottingham. Some date back to the medieval period and possibly even earlier. These caves constitute a feature of the City that is nationally unique. They have been used in the past for a vast array of purposes, including dungeons, beer cellars, cess-pits, tanneries, malt-kilns, houses, wine cellars, tunnels, summer-houses, air-raid shelters, sand mines, follies, dovecotes and even a bowling alley. This Supplementary Planning Document clarifies what applicants need to do within the planning process to meet the requirements of the Caves Policy within the LAPP (Policy HE2: Caves).

Most caves take the form of one or more chambers accessed from the surface, and linked below ground by passages. These seem often to have been dug for storage, but a wide range of other functions has also been recorded. Others take the form of access passages. In many cases documentation and physical evidence of usage are absent. Many caves and cave systems were extended over time, and developments of cave systems and the properties overlying them can sometimes be correlated.

### 1.3 Accessibility

Some caves are publicly accessible in visitor attractions such as Nottingham Castle, the City of Caves (accessed from the Broadmarsh Shopping Centre), the National Justice Museum, Wollaton Hall, the Malt Cross and the Museum of Nottingham Life in Brewhouse Yard. In addition, a small number of caves may be accessed by special arrangement (including the Peel Street sand mine, Sneinton Hermitage and a small number of public houses). Most caves, however, are not accessible to the public.

## 2.0 Legislation and Planning Policy relating to Caves

The conservation of the majority of caves within the planning process is managed through the determination of planning applications where development would have an impact on the significance or heritage value of the Nottingham Cave Resource.

Some Nottingham caves are legally protected as parts of designated heritage assets such as Scheduled Monuments and Listed Buildings. Other caves may have protection by being 'curtilage listed' in respect of a Listed Building; through forming part of the setting of a Listed Building and contributing to its significance, or by being identified as an undesignated heritage asset on a Local List. Depending on context, the nature of this protection may be through legislation and / or through planning policy, supported by Historic England guidance.

### 2.1 Listed Buildings and Listed Building Consent

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, any alteration to a listed building requires Listed Building Consent administered by the Local Planning Authority (LPA). The Act (66[1]) requires the LPA or the Secretary of State (as appropriate) to *'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. ...'*

*Building' includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.'*

Modification of a cave below a listed building would therefore require Listed Building Consent. It is a criminal offence to carry out works Listed Building without such consent or to fail to comply with the terms of such consents.

### 2.2 Scheduled Monuments and Scheduled Monument Consent

Under the Ancient Monuments and Archaeological Areas Act 1979, the consent of the Secretary of State is required before any works are carried out which would have the effect of demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or covering up a Scheduled Monument. It is a criminal offence to carry out such actions without such consent or to fail to comply with the terms of such consents.

## 2.0 Legislation and Planning Policy relating to Caves

### **2.3 Planning Permission - Conservation Areas, Registered Parks and Gardens and Nottingham Local List**

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, 72, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that [conservation] area'. The preservation and/or enhancement of conservation areas is managed through planning permission. The significance of caves to the character or appearance of a conservation area and the impact of development on the significance of the conservation area will be determined by the Conservation Officer with reference as necessary to the City Archaeologist. Registered Parks and Gardens and Locally Listed Heritage Assets are a material consideration in the determination of planning applications. Therefore, consideration should be given of the contributions that caves make to the significance of the heritage assets and the impact that development will have on that significance in the determination of planning applications.

### **2.4 Planning Permission - 1990 Town and Country Planning Act, The Town and Country Planning (General Permitted Development) (England) Order 2015 and National Planning Policy Framework**

Under section 62 of the 1990 Town and Country Planning Act Planning Permission should be sought development including building, engineering or other works, in, on, over or under land, or the making of any material change in the use of any buildings or other land. You can perform certain types of work without needing to apply for planning permission. These are detailed in the Town and Country Planning (General Permitted Development) (England) Order 2015 and are called "permitted development rights". Permitted development right can be withdrawn by Nottingham City Council when the character of an area of acknowledged importance would be threatened. In these cases Planning Permission would be required. More detail can be found in section 4.4.

## 2.0 Legislation and Planning Policy relating to Caves

### 2.5 Nottingham City Local Plan

This SPD is supplementary to policies in the Local Plan. In Nottingham, the Local Plan comprises the Greater Nottingham Aligned Core Strategies (part 1 Local Plan) (ACS) (2014) and the emerging Land and Planning Policies Development Plan Document (part 2 Local Plan) (LAPP). The latter document is now at an advanced stage in its development, having undergone public examination in 2018. On adoption, this plan will replace the current 2005 Local Plan.

Policy 11 of the ACS sets out that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance. The plan requires that planning decisions have regard to the contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives. The Policy identifies the caves under the City Centre as being amongst the heritage assets of particular importance to be conserved and, where possible, enhanced. Policy HE2 of the LAPP specifically relates to caves and sets out how applications for development proposals which may affect caves will be managed.

#### 2.5.1 Scheduled Caves or Caves of Equivalent Significance

Appendix 7 of the LAPP accompanies Policy HE2 and sets out a list of caves (below) where substantial harm to significance shall be regarded as wholly exceptional and the assets should be treated in the planning process on a par with Scheduled Monuments. This non-exhaustive list also includes caves where (at the time of writing) all or part of their extent may have been designated as a Scheduled Monument under the 1979 Ancient Monuments and Areas Act (as amended).

- Caves under 33 Long Row
- Cellar under 8 Castle Gate
- Caves at Drury Hill
- Caves under 3-7 Middle Pavement
- Caves under Nottingham Castle
- Rock cut houses north of Castle Boulevard (Lenton Hermitage)
- Rock cut houses south of Nottingham Castle
- Wine cellar under Willoughby House
- Rouse's sand mine, Peel Street
- Caves under Salutation Inn
- Caves under The Bell Inn
- Malt kiln complex under Plumptre House, Broadway
- Medieval cave under what was Pearson's, Long Row
- Caves under 48-56 Bridlesmith Gate

## 3.0 Assessment, Evaluation and Mitigation

Policy HE2 of the LAPP requires that at the pre-application stage, at sites within the City Centre Caves Area or, beyond this, within 10m of a cave identified in the City's Historic Environment Record (HER), caves should be assumed to exist until demonstrated otherwise.

The impact of a development on the Nottingham Cave resource would depend on the nature of the development and the significance of caves below the development. Applicants are advised to seek advice from the City Archaeologist before submitting an application to determine the cave potential and the level of assessment required within the planning process. The assessment level requested by the City Archaeologist would be proportionate to the impact that the development would have on the significance of affected cave(s). This pre-assessment process would be required prior to validation in developments that would have a potential impact on the Nottingham Cave resource.

Any works over a cave which is a Scheduled Monument, or a cave which is considered to be of national importance (such as those identified in the Local Plan), could have an impact upon the cave. Even minor works could have an impact upon the condition and significance of the cave. For example, the Scheduled cave beneath 8 Castle Gate, extends beneath the adjacent 6 Castle Gate. Renovation works at 6 Castle Gate caused damage to the roof of the underlying cave. Ongoing redevelopment work at Nottingham Castle involves works directly above the several caves that are cut into the castle rock, all of which are Scheduled Monuments. These works included landscaping and hardscaping works as well as piling for the construction of a new Visitor Centre and new gallery. There was potential impact upon underlying caves and monitoring checks were undertaken to determine whether any damage was being caused during the works.

### 3.1 Assessment

In accordance with NPPF requirements, the applicant is required to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should be referenced in the Assessment and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. (NPPF para 189).

## 3.0 Assessment, Evaluation and Mitigation

### 3.1.1 Assessing the Significance of Caves

The assessment of significance must take into account designations and associations with other historic assets, current knowledge of Nottingham's cave resource and the principles embedded in Historic England guidance on assessing the significance of sites (Conservation Principles, Policies and Guidance) and the National Planning Policy Framework.

The National Planning Policy Framework adopt a values based approach to assessing the Significance of Heritage Assets (drawn from Conservation Principles, Policies and Guidance). The approach is qualitative rather than quantitative, and recommends considering heritage significance in terms of the following combined heritage values:

- Archaeological value: *"...the potential of a place to yield evidence about past human activity"*
- Historical value: *"...the ways in which past people, events and aspects of life can be connected through a place to the present."*
- Architectural value: *"... value in its architectural design; special interest may also apply to nationally important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms."*
- Artistic value: *"...value in its decoration or craftsmanship; special interest may also apply to nationally important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity)"*



## 3.0 Assessment, Evaluation and Mitigation

### 3.1.2 Criteria to assess the significance of Nottingham's caves (based on Scheduled Monuments and Nationally Important but Non-scheduled Archaeology (2013))

Current Government policy on the identification, protection, conservation and investigation of nationally important ancient monuments is available in Scheduled Monuments & Nationally Important but Non-scheduled Monuments, 2013 DCMS). This includes consideration of Scheduled Monuments, but it is emphasised that 'the fact that a monument is not designated as a Scheduled Monument does not necessarily imply that it is not of national importance' (Para 9). The policy states that the "...significance of ancient monuments derives not only from their physical presence but also from their setting" (Annex 1: page 10). It notes that their importance is defined in terms of their archaeological, artistic, historic or traditional interest, and draws particular attention to the following:

- **Archaeological interest**
  - Interest in carrying out expert investigations at some point into the evidence places hold, or potentially may hold, of past human activity.
  - Monuments with archaeological interest form a primary source of evidence relating to the substance and evolution of places, plus the people and cultures that made them.
- **Historic interest**
  - Interest in how the present can be connected through a place to past people, events and aspects of life
  - Monuments with historic interest provide a material record of our nation's prehistory and history, whether by association or through illustration.

Scheduled monuments are selected 'on the grounds of their archaeological or historic interest, plus their management needs, guided by non-statutory Principles of Selection' (para 7 and Annex 1). The criteria that should be considered when assessing the significance of Nottingham's caves are:

#### **Period.**

All periods should be regarded as of equivalent value, and the potential date of an asset should not be employed as a contributor to significance. It is, however, an important consideration when determining the rarity of an asset, and it is in that context that the known or potential date range of an asset should be considered.

### 3.0 Assessment, Evaluation and Mitigation

#### **Fragility /vulnerability**

These are management criteria that are important in the context of scheduling but are not relevant to assessment of the significance of a cave or cave system.

This leaves six criteria, to which can be added setting, which in combination provide a secure foundation for assessing the significance of cave assets and for assisting the development of assessment, evaluation and mitigation strategies.

#### **Rarity**

The rarity of a cave's type should be considered with regard to both period and spatial distribution, paying particular attention to the location of medieval caves and the location of caves in areas which hitherto have yielded little evidence of subterranean features (e.g. blank areas in the City's Early Medieval core).

#### **Documentation/finds**

Comparatively few caves have preserved documentary or cartographic records, and any caves with historic records and / or survey or excavation records should be scored proportionately and positively. Artefacts recovered during excavation of caves can provide important evidence of the cave's function(s) and provide useful information about when the cave fell out of use.

#### **Group value**

Nottingham's caves provide a unique national resource, within which may be identified sub-groups of related caves and other heritage assets. Membership of such a group and/or sub-group impacts upon the significance of a cave system, and has important implications for above-ground structures to which caves might have been linked and for other associated assets.

#### **Setting**

The contribution of setting to heritage significance is not explicitly part of the Annex 1 scheduling criteria, but the setting of a cave or cave system can contribute to its significance. There may also be close associations with other assets of significance, such as listed buildings with associated cellars – and hence there is a strong overlap with group value.

#### **Survival / condition**

The significance of a cave system will be affected by its completeness, the presence of inappropriate intrusions and any well-preserved internal features including any stratified archaeological remains. Assessment and evaluation should seek, therefore, to establish the character of any surviving remains and their condition.

### 3.0 Assessment, Evaluation and Mitigation

#### **Diversity**

The presence of multiple phases or forms of caves within a system and associated internal features will increase the significance of the system. The asset will also score highly if there is evidence for a cave or cave system that is of an unusually coherent single phase or single form.

#### **Potential**

The potential significance should be considered of caves which are unexplored or only partly explored for whatever reason. These may be amongst the most significant cave systems due to lack of intervention, and may include caves discovered during development or by accident.

A list of caves surveyed during the Caves of Nottingham Regeneration Project and a provisional assessment of their significance, prepared by reference to the above criteria, is stored in the Nottingham City Council's HER. The list is available on request via [uad@nottinghamcity.gov.uk](mailto:uad@nottinghamcity.gov.uk). The list is provided for the purposes of illustrating the required approach to the assessment of significance, and should not be regarded as definitive. The contents of the list are subject to change at any time, as research is ongoing. Should an assessment of the heritage significance of a cave be required in connection with a proposed development, a new assessment will be required using the evidence available at the time.



## 3.0 Assessment, Evaluation and Mitigation

### 3.2 Evaluation

#### 3.2.1 Desk-Based Assessment

Under the policy, when submitting planning applications for development on sites where caves exist or potentially exist and might be affected by the proposals, applicants are required to submit a Desk-Based Assessment (DBA) in accordance with the standard and guidance set out by the Chartered Institute for Archaeologists<sup>1</sup>. To comply with the standard in a development context, desk-based assessment “*will determine, as far as is reasonably possible from existing records, the nature, extent and significance of the historic environment within a specified area*”, and “*establish the impact of the proposed development on the significance of the historic environment (or will identify the need for further evaluation to do so)*”. The scope of the DBA should be agreed and documented in detail prior to commencement in consultation with the City Archaeologist. All archaeologists providing the work should be members of a Registered organisation with the Chartered Institute for Archaeologists, or should possess equivalent expertise.

The key contents of the assessment should be (‘A template Cave Assessment is provided in Appendix 2’):

- a list of relevant sources with justification for not consulting any;
- a written description and mapping of all known caves which could be affected by the proposed development, derived from existing sources but including inspection where possible;
- assessment of the potential for currently unknown caves to exist and to be affected by the development;
- assessment of the heritage significance of the identified caves, including as far as possible those which are currently unknown;
- the contribution which any affected caves might make to the heritage significance of other heritage assets by forming part of their setting;
- summary of the development design and the impact which any unmitigated development might have on the significance of the caves or their contribution to the significance of other assets; and
- options for maximising enhancement and minimising harm, including the means of identifying currently unknown caves.

The desk-based assessment of caves should be integrated with any other elements of the historic environment desk-based assessment which may be required.

<sup>1</sup> Chartered Institute for Archaeologists 2017: Standard and Guidance for Historic Environment Desk-Based Assessment ([www.archaeologists.net/sites/default/files/CIfAS%26GDBA\\_3.pdf](http://www.archaeologists.net/sites/default/files/CIfAS%26GDBA_3.pdf))

## 3.0 Assessment, Evaluation and Mitigation

### 3.2.2 Field Evaluation - Site Investigation

Following the desk-based assessment, should potential impacts on caves be identified, an iterative process of site investigation, impact assessment and mitigation/enhancement measures should be completed up to the point where the optimum design has been achieved. The approach should be designed by individuals or teams with suitable qualifications in both engineering and conservation, and will involve close liaison at all stages of the investigation process between the contractor, City Archaeologist, client, consultant and other relevant organisations (e.g. Historic England).

The site investigation should be in accordance with the standard and guidance set out by the Chartered Institute for Archaeologists<sup>2</sup>, and should “*determine, as far as is reasonably possible, the nature of the archaeological resource within a specified area using appropriate methods and practices*”. As part of the iterative process it should also assess the impact of the development proposals on the caves. Its scope should be agreed in consultation with the City Archaeologist and documented in detail in an approved written scheme of investigation prior to commencement.

All archaeologists providing the work should be members of a Registered Organisation with the Chartered Institute for Archaeologists, or should possess equivalent expertise.

Site investigation designs should include the means of identifying and investigating caves but should also address any other historic environment issues such as the potential for buried archaeological or palaeoenvironmental remains and geotechnical issues. The design should minimise any harm caused to caves by the proposed investigation process.

Probing has proved effective in identifying caves. It should be employed as a standard procedure for caves prospection, or reasons for not using it clearly justified. When probing, to safeguard the caves resource, care should be taken to use the minimum size probe hole and to minimize vibration, as probing can cause significant damage when the cave roof is breached. A staged approach should be adopted, requiring that voids are investigated by direct inspection as soon as they are identified rather than by continuing with probing. Probe holes should be spaced sufficiently closely to minimize the risk of missing small subterranean features.

<sup>2</sup> Chartered Institute for Archaeologists 2014: Standard and Guidance for Archaeological Field Evaluation ([http://www.archaeologists.net/sites/default/files/CIfAS&GFieldevaluation\\_1.pdf](http://www.archaeologists.net/sites/default/files/CIfAS&GFieldevaluation_1.pdf))

### 3.0 Assessment, Evaluation and Mitigation

Should currently unknown caves or previously unknown or inaccessible parts of known caves be exposed, access should be arranged (with a structural engineer ensuring stability of the rock, if necessary) and a further assessment of their heritage significance should be carried out by appropriate evaluation techniques. Work should be suspended as soon as hitherto-unknown caves are encountered, and should not resume until the City Archaeologist has visited the site, advised on the most effective strategy for further investigation, and provided appropriate technical guidance for the preservation of the cave.

#### **3.2.3 Mitigation**

If mitigation is required, the City Council may require a full or outline mitigation design to be provided with the application. Mitigation should be designed in consultation with the City Archaeologist and be documented to his/her approval and in accordance with appropriate ClfA Standards and Guidance. Where relevant, consultation should be undertaken at this stage with external parties such as Historic England.

Where definitive cave survey is required it is essential that this is provided accurately and in detail in high-resolution 3D surveys unless there is a strong reason, endorsed by the City Archaeologist, for an alternative approach. Surveys must be accompanied by detailed descriptions and interpretations and 2D and 3D digital illustration of all features. Surveys should link the caves to above-ground structures where these exist. In addition to the 3D survey, a full photographic and documentary record will also be required.

Groundworks have the potential to reduce structural integrity by reducing the thickness of rock cover, while construction traffic may cause temporary additional loading which may result in structural failure. Care must be taken during construction that vibrations caused by construction, especially piling, do not cause harm to caves, particularly those which are already in a poor structural condition. Modifications of openings and other changes to the structural arrangements within caves have the potential to cause harm by reducing their structural integrity and/or by denuding or removing historic features.

Following completion of the project and submission of the report, digital survey data must be deposited in a secure archive where they can be curated permanently and updated at regular intervals as digital technologies develop. Options need to be discussed with the City Archaeologist, but include Nottingham City Council, the Archaeology Data Service and the British Geological Survey. Any finds and the site archive must be deposited with Nottingham City Museums and Galleries, following their published guidelines.

## 4.0 Application and decision-making process

### 4.1 Validation

After an application for Planning Permission or Listed Building Consent is made to Nottingham City Council a validation process will establish if there is the required level of supporting information to determine the application. If the required supporting information is not included with the application it will not be validated. There is a difference in requirements affecting minor and major applications affecting caves. For example, with householder applications a lower level of assessment would be required to support the application than for a multi-storey development impacting a cave system. The assessment level requested by the City Archaeologist would be proportionate to the impact that the development would have on the significance of affected cave(s). This pre-assessment process would be required prior to validation in developments that may have a potential impact on the Nottingham Cave resource. For examples and more detail see section 3.

### 4.2 Determining Scheduled Monument Consent

A small number of caves within Nottingham city have Scheduled Monument status. Any works which could impact Scheduled Monuments, either as a result of works within the cave or works above or adjacent to the cave which could impact upon it (including the impact of demolition works or vibration from construction on adjacent sites) will require Scheduled Monument Consent (SMC) in addition to any permissions obtained from Nottingham City Council. Applications for SMC are determined by the Secretary of State for the Department of Digital, Culture, Media and Sport, with advice provided by Historic England. The Secretary of State determines SMC applications on the basis of Government policy. SMC is required under the Ancient Monuments and Archaeological Areas Act 1979 (as amended) and the Ancient Monuments Class Consent Order 1994.

<sup>3</sup> Further details are available at: <https://historicengland.org.uk/advice/planning/consents/smc/>

<sup>4</sup> <https://www.gov.uk/government/publications/scheduled-monuments-policy-statement>

## 4.0 Application and decision-making process

### 4.3 Determining Listed Building Consent

Applications for listed building consent are determined by the Local Planning Authority with guidance being provided by statutory consultees where required. LBC is required under the Planning (Listed Buildings and Conservation Areas) Act 1990. You can find out if your building is Listed on Historic England's website at <https://historicengland.org.uk/listing/the-list/>. You can contact the Planning team at Nottingham City Council to see if Listed Building Consent is required on 0115 8764447.

### 4.4 Determining Planning Applications

Policy 11 of the ACS sets out that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.

Policy HE2 of the LAPP sets out the framework, alongside the Policies of the NPPF, for managing applications for developments that may affect caves. Policy HE2 includes the following requirements:

Within the City Centre Caves Area, as shown on the Policies Map, or elsewhere within 10 metres of a cave identified on the City Council's Historic Environment Record (HER), it should be assumed from the earliest pre-application stage that caves are present on a development site until demonstrated otherwise.

When submitting planning applications for development proposals which include new build, extensions, changes of use or any other type of development involving below ground intrusion, or works to the ground floor that have the potential to permanently prevent future access to caves, on sites where caves exist or there is potential for caves to exist, applicants will be required to submit a Caves Assessment, which will provide sufficient information to assess the known and potential presence and significance of caves and the impact of proposals upon their significance and that of the wider caves resource.

## 4.0 Application and decision-making process

Proposals will be expected to recognise, conserve and enhance caves as a nationally unique feature and assess the impact of proposals upon the significance of the Nottingham Caves resource through:

- a) preservation of the caves from harm during site investigation and construction, and sensitive incorporation of these into development;
- b) retention of access to caves where existing, and where possible providing access where this does not exist; and
- c) providing appropriate record and interpretation, where this does not already exist (or is not adequate to support the application).

Planning permission will not be granted for developments which destroy, damage or block access to caves unless it is adequately demonstrated that no reasonable alternative is possible and they represent the best sustainable use of the site, and/ or the merits of the proposals for the site bring substantial social, environmental or regeneration benefits, which outweigh the harm to the significance of the caves and cannot be delivered by other means.

The 2019 National Planning policy framework sets out the Government's expectations of Local Planning Authorities in the determination of planning applications relating to heritage assets in paragraphs 189 - 202.

### **4.5 Planning Powers - Enforcement and Article 4 Directions**

Nottingham City Council has the power to take enforcement action against unauthorised works to caves that are Scheduled Monuments, Listed Buildings or have not gained Planning Permission where required (offences are detailed in section 2).

Nottingham City Council has the power to withdraw permitted development rights when the character of an area of acknowledged importance, such as the cave resource, would be threatened. This would be achieved through the imposition of Article 4 Directions. In these cases Planning Permission would be required. Examples of how this might be applied are to revoke the permitted development right to excavate up to 0.5 hectares of land for the installation, alteration or replacement of a microgeneration ground source heat pump. Nottingham City Council will review permitted development rights that might affect the Nottingham Cave Resource and review whether to impose Article 4 Directions.

## 5.0 Opportunities for Enhancement of the Caves Resource

### 5.1 Public engagement

Work on caves as part of the planning process provides many opportunities to increase public awareness and perception of the City's caves, and thereby to enhance understanding of these internationally important heritage assets. Opportunities for public engagement should be explored during the preparation of assessment, evaluation and mitigation strategies, including consideration of the options for guided site tours (with appropriate health and safety provision) and (for those unable to visit) narrated cave fly-throughs for web release, displays of finds, TV and other media coverage, and public lectures.

Thought should also be given to how the caves might be fully or partially preserved and interpreted following construction, and if this is possible how they might be made publicly accessible in the longer term – thus ensuring a permanent heritage legacy for the City. It should be emphasised, however, that the sandstone bedrock into which the caves were dug is soft and relatively easily eroded. Frequent human traffic or moving of equipment or materials within a cave may therefore cause harm to its fabric unless measures are in place to protect it. This is a particularly acute problem in the Castle caves, particularly Mortimer's Hole and King David's Dungeon. These are popular tourist destinations with cave floors and walls vulnerable to erosion from the passage of visitors' feet and contact with cave walls, and access needs to be closely controlled and monitored in consultation with the City Archaeologist and the managers of these heritage attractions.

### 5.2 Enhancing knowledge and understanding

The development process is likely to lead to discoveries of hitherto unrecorded caves, and through the required process of assessment, evaluation and mitigation will advance understanding of the distribution and character of Nottingham's caves. In addition, desk-based assessments will provide invaluable opportunities to locate, collate and analyse documentary, cartographic and other records that are retained by individual researchers or groups such as the Hidden History Team and Nottingham Historical and Archaeological Society, and a mechanism for encouraging the compilation of digital copies and deposition of these with the HER.

## 5.0 Opportunities for Enhancement of the Caves Resource

### 5.3 Cave conservation

The incorporation of caves within new development, if viable, provides protection from vandalism such as modern graffiti or damage to internal fittings or sculptures (as exemplified by decapitation of a lion in the Daniel in the Lion's Den cave in the 1990s, or the damage caused to the important Lenton Hermitage caves prior to their incorporation in private housing and the introduction of access restrictions).

The incorporation of caves in modern buildings will also prevent harm to their physical fabric by wind, frost or water action (as exemplified by the frequent erosion around the mouth of a cave opening to the air, and the loss of surface detail such as tooling by erosion or fragmentation of sandstone as a consequence of protracted water and root penetration).

Vibration of sufficient magnitude could cause harm to caves, particularly those which are already in a poor structural state. Careful planning of access routes during development, combined with weight restrictions, could assist in the preservation of subterranean structures, and serious thought should be given during development to these issues.

### 5.4 A Technical Guide for Cave Owners

A technical guide, providing further advice to developers and cave owners is available, upon request, from the City Council.

# Appendix 1 Glossary

## 5.5 Glossary

### **Archaeological interest:**

There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

### **Conservation:**

The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

### **Designated heritage asset:**

A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

### **Desk-based Assessment:**

In a development context desk-based assessment will establish the impact of the proposed development on the significance of the historic environment (or will identify the need for further evaluation to do so), and will enable reasoned proposals and decisions to be made whether to mitigate, offset or accept without further intervention that impact.

### **Heritage asset:**

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

### **Historic environment:**

All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

### **Historic Environment Record (HER):**

Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.

### **Setting of a heritage asset:**

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

### **Significance:**

The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.

5.0 Opportunities for Enhancement of the Caves Resource  
Appendix 1 Glossary

**Supplementary Planning Document:**

Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

**Undesignated heritage asset:**

A heritage asset that is not designated by Historic England or the Secretary of State but is of significance locally; many will be included upon Nottingham City Council's Local List.



# Appendix 2 Template Cave Assessment

## Template Cave Assessment

Assessment Section	Type of information
Introduction	<ul style="list-style-type: none"><li>• Summary of development, impact and mitigation</li></ul>
Project Background	<ul style="list-style-type: none"><li>• Planning History</li><li>• Assessment and mitigation</li></ul>
Professional Standards	<ul style="list-style-type: none"><li>• Chartered Institute for Archaeologists (CIfA) Code of Conduct</li><li>• CIfA Standards and guidance for Desk-based Assessment</li></ul>
Terminology Used	<ul style="list-style-type: none"><li>• Glossary</li></ul>
Site Location	<ul style="list-style-type: none"><li>• Map of location</li><li>• Description</li></ul>
Topographical information	<ul style="list-style-type: none"><li>• Topographical Map</li></ul>
Details of any existing designations for the site	<ul style="list-style-type: none"><li>• Local List, Listed Building status, Registered Park and Garden or Scheduled Monument</li></ul>
Records relating to all known caves which could be affected by the proposed development	<ul style="list-style-type: none"><li>• Map of location</li><li>• Record Numbers</li><li>• Descriptions</li></ul>
Plans of the known caves and details of their extent and depth below ground	<ul style="list-style-type: none"><li>• Cave plans and surveys</li></ul>
Relevant structural details of existing or recently demolished buildings that could have a bearing on the understanding of the preservation of caves	<ul style="list-style-type: none"><li>• Presence of, and depths, of any basements</li></ul>
Detailed descriptions of the cave(s) where inspection is possible.	<ul style="list-style-type: none"><li>• Photographs</li><li>• Descriptions including<ul style="list-style-type: none"><li>• details of the accessibility of the cave</li><li>• the location of the entrance</li><li>• any historical features associated with the cave's use</li><li>• condition of the cave</li></ul></li></ul>

## Template Cave Assessment

### Assessment Section

Assessment for the potential of currently unknown caves which could be affected by the development

Details of any geotechnical investigations that have taken place

Details of any intended geotechnical investigations

An assessment of the known cave(s) which could be affected by the development

A description of proposed works which could affect the known cave(s)

Assessment of direct impacts upon known caves and the impact they would have on the significance of the cave(s)

Proposals for maximising enhancement and minimising harm for known caves

Sources consulted

### Type of information

- Historic Maps
- Historic references to caves
- Proximity of known caves in the area
  
- Methodology
- Location of test pits/boreholes and the results
  
- Proposed methodology for identifying currently unknown caves
  
- Evidential value; historical value; aesthetic value; communal value;
- The age of the cave;
- Condition/survival
- Current and previous usage;
- The rarity of this type of cave
- Any documentation and/or artefacts which contribute knowledge towards the cave
- The setting of the cave
- Any group value with other associated heritage assets
- Diversity of the cave and its uses and phases
- The potential, through further investigation, to learn more about the cave
  
- Supplemented with plans where they exist
  
- Demolition and proposed construction works
  
- Mitigation
- Proposals to improve access
- Public outreach opportunities
  
- Books
- Historic newspapers
- Nottingham City HER
- Historic maps

## Appendix 3 Assessment, Evaluation and Mitigation Examples

Examples of the types of development, levels of information required and agreed mitigation are included below:

- A planning application for the development of apartments, with basement car park. The significance of the cave was emphasised to the applicant and following discussions it was agreed that the design would be modified to reduce the size of the basement car park, enabling the cave to be preserved. Information requirement: Desk-based assessment, laser survey.
- During development work at Nottingham Castle, a medieval cave was discovered. Given the significance of the site and of the cave, the piling design was modified to ensure no impact upon the cave. Information requirement: Desk-based assessment and Probing to inform the positioning of the piles.
- During archaeological works in advance of development a cave system extending across the footprint of the new development. Following excavation and laser survey a solution was found which enabled the development to proceed whilst allowing the majority of the cave to be preserved. An emphasis was placed upon its preservation, with the loss of a rock-cut pillar being permitted in order to achieve the development. Although inaccessible from the new development, the cave is preserved beneath the site and was filled with sand to reduce any impact from the construction works. Information requirement: Desk-based assessment, Field Evaluation and laser survey.
- During the construction of apartments caves in close proximity were monitored to establish whether any vibration caused harm. This work was particularly carried out because of major collapses that have occurred in the cave in the past, and its position beneath a highway. Although vibration monitors did detect vibration in parts of the cave during the piling, no visible damage was caused. Information requirement: Desk-based assessment and Vibration Monitoring.
- During construction and demolition works, care is often needed to ensure that underlying caves are not damaged. The potential impact will depend upon the condition of the cave, its depth below ground and the thickness of the rock above the cave. It is often important to ensure that heavy plant does not sit on top of the cave and that an exclusion zone be created. Information requirement: Desk-based assessment.

## Appendix 4 Sustainability Appraisal

### Sustainability Appraisal

Sustainability Appraisal (SA) is a statutory process, which must be undertaken for every new planning document in accordance with the Planning and Compulsory Purchase Act (2004).

The purpose of SA is to assess the economic, social and environmental impacts of projects, strategies or plans, so that the preferred option promotes, rather than inhibits sustainable development.

In addition to SA, European Directive 2001/42/EC (commonly referred to as Strategic Environmental Assessment or SEA), requires that Local Authorities undertake an 'environmental assessment' of any plans and programmes they prepare that are likely to have a significant effect upon the environment. The requirements of the SEA have been incorporated into the SA for the emerging LAPP.

The SA has comprised an integral part of the plan making process and has performed a key role in providing a sound evidence base for the plan. The process has appraised the social, environmental and economic effects of the LAPP from the outset through its various preparation stages. In doing so it has helped to ensure that the decisions made have contributed to achieving sustainable development.

Furthermore, the SA has recommended some changes to help ensure that the LAPP policies and site allocations are as sustainable as possible. It has informed the decision making process by facilitating the evaluation of alternatives and also considered the cumulative, synergistic and secondary impacts of the LAPP policies and sites.

The SA has also demonstrated that the plan is the most appropriate when considering reasonable alternatives and, where negative impacts have been found, suggested suitable mitigation measures to try and overcome them. Monitoring arrangements have also been put in place to ensure that the impact of the policies can be properly evaluated.

This SPD is supplementary to Policy HE2 of the LAPP and it is not considered that the guidance contained in the SPD will have any significant effects over and above those of the Policy. Policy HE2 has been subject to SA as part of this LAPP preparation process.

Full details of the LAPP SA process, methodology and results can be found at [www.nottinghamcity.gov.uk/localplan](http://www.nottinghamcity.gov.uk/localplan)

The extracts on the following pages set out the results of the SA for Policy HE2:



Appendix 4 Sustainability Appraisal

SA Objectives	Appraisal of Policy HE2: Caves	Potential Mitigation Measures
1. Housing	Negligible impact.	
2. Health	Negligible impact.	
3. Heritage	Policy seeks to give strong protection to City caves which are a unique heritage asset for the city. Policy also seeks to protect/improve access to their assets.	
4. Crime	Negligible impact.	
5. Social	Policy should protect and enhance existing cultural assets.	
6. Environment, Biodiversity & Green Infrastructure	Negligible impact.	
7. Landscape & Townscape	Negligible impact.	
8. Natural Resources & Flooding	Negligible impact.	
9. Waste	Negligible impact.	
10. Energy & Climate Change	Negligible impact.	
11. Transport	Negligible impact.	
12. Employment	Negligible impact.	
13. Innovation	Negligible impact.	
14. Economic Structure	Negligible impact.	
<p><b>Summary:</b>            A very major positive outcome was predicted for the Heritage objective, with a minor positive outcome also suggested for the Social objective. No negative impacts were identified.</p>		

**Image credits**

courtesy of:  
Trent & Peak Archaeology  
Lamar Francois  
Nottingham City Council