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From: Worrall, Rosamund [REDACTED]
Sent: 11 October 2019 16:17
To: Planning Policy
Subject: Historic England - Reg 19 representation - NCC Minerals Plan
Attachments: Reg 19 representation-form 2019.docx

Follow Up Flag: Follow up
Flag Status: Completed

Dear Steve and team

Please find attached our response form in relation to MP9: Industrial Dolomite Provision.

We welcome the revisions made to other aspects of the Publication Plan in relation to comments made on the Regulation 18 Draft in September 2018.

Kind regards, Ros

Rosamund Worrall
Team Leader (Development Advice) (South)
Midlands Region

Historic England | The Axis
10 Holliday Street | Birmingham | B1 1TF

[REDACTED]

www.HistoricEngland.org.uk

Please note that Historic England's East Midlands and West Midlands offices have merged and our Northampton office is now closed. Our Midlands office is based in Birmingham and contact details can be found on our Midlands Regional Office webpage [here](#).



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Representation Form

This is the representation form for the Nottinghamshire Minerals Local Plan - Publication Version published by Nottinghamshire County Council. The Publication Version and the supporting information can be found online at www.nottinghamshire.gov.uk/minerals. You can submit your representations online via our interactive system by using this link.

The formal representation period is open from Friday 30th August 2019 to 4.30pm Friday 11 October. All representations must be received during this period.

If you wish to submit a representation to the Plan using this form, please complete all parts and then send it to us via email or post, using the addresses below. Please note:

- **All respondents need to provide their personal details.** It is not possible for representations to be anonymous. All responses will be made public.
- **Representations must be on the basis of the ‘soundness’ of the plan or its legal and Duty to Co-operate compliance.** Please read the guidance note on this for further information.
- **Part B of the form contains your representations.** Please fill in a separate Part B for each representation you wish you make. You only need to fill in Part A once.
- **If you are part of a group that share a common view,** it would be helpful for that group to send a single representation rather than multiple copies stating the same point. Please indicate how many people are represented and how it has been authorised (e.g. by means of a list with contact details for each person or by a committee vote). This holds the same weight as separately submitted representations.

If you have any queries please contact us as below or ring us on 0300 500 80 80.

Please return completed forms to:

✉ Planning Policy Team
County Hall, West Bridgford,
Nottingham, NG2 7QP

✉ planning.policy@nottscc.gov.uk

We must receive your representations before 4.30pm, Friday 11th October 2019.

Representations received after this cannot be accepted.

All of the representations received will be submitted with the Plan and will be examined by a planning inspector who will consider whether the Plan is ‘sound’ and complies with the legal requirements.


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Office use only

Person No:

Rep Nos:

Part A – Personal details

	1. Personal details	2. Agent details (where applicable)
Title	Miss	
First name	Rosamund	
Last name	Worrall	
Address line 1	The Axis	
Address line 2	10 Holliday Street	
Address line 3	Birmingham	
Postcode	B1 1TF	
Email		
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Historic England	
Job title	Team Leader (Development Advice)	

Part B – Your representation

Office use only Person No:
Rep No:

Please read the guidance note before completing this section.

Name or organisation: HISTORIC ENGLAND

3. To which part of the Local Plan does this representation relate?

Policy	MP9	Site code		Map/Plan		Paragraph	4.80 – 4.85 inclusive	Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	X

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

Historic England (formerly English Heritage) has maintained concerns about the dolomite allocation at Holbeck since 2012 and throughout this emerging Plan process. It is noted that Policy MP9 relates to industrial dolomite extraction generally. Historic England submits that this approach is not sound since known sources of dolomite within the UK are limited and in respect of the draft Nottinghamshire Minerals Local Plan the main extraction location is found in the Holbeck area and this is set out in the paragraphs accompanying MP9. As such Policy MP9 in its current form would provide a *de facto* site allocation. In addition, Policy MP9 sets out that extraction would be supported if need is demonstrated which ignores environmental and other social and economic factors which would have to be considered in the balance. Paragraph 4.84 sets out that a criteria based policy is being proposed but this consists of one criteria – ‘where a need can be demonstrated’. These issues are explored in more detail below.

De facto site allocation in respect of the historic environment

The main site, within the Minerals Local Plan area, for industrial dolomite extraction would be at Holbeck and associated with the existing Whitwell site in Derbyshire. There are heritage assets within this locality including Cresswell Crags and it is not clear how these assets have been considered in the Plan process.

Cresswell Crags straddles the boundary between Nottinghamshire and Derbyshire and is designated as both a Scheduled Monument and a Site of Special Scientific Interest. The complex of caves and rock shelters preserve long sequences of in-situ deposits. First identified in the nineteenth century, the site has yielded Neanderthal and modern human material alongside faunal remains and palaeo-environmental data across successive periods of Ice Age occupation between 10000 and 50000 years ago. The discovery of the UK’s only cave art assemblage in 2003 alongside the site’s established archaeological importance at the northerly extreme of Ice Age human habitation set the basis for Cresswell Crags placement on the UK Government’s Tentative List of potential UNESCO World Heritage Sites (WHSs) in 2012. Cresswell Crags are an exceptional complex set of cultural assets. In very broad

terms, key elements in their significance can be summarised as follows:

- They possess rare long sequences of well preserved in-situ archaeological deposits as well as the associated resource of material excavated in the 19th and 20th centuries.
- There is particular archaeological importance for the Middle Palaeolithic (around 44000 years ago) as a site of Neanderthal activity and in the Late Upper Palaeolithic as the type site for *Creswellian* dwelling and resource exploitation at around 14000 years ago, in both cases at the northern limits of human habitation.
- The artistic and archaeological significance in their containing Britain's only, and Europe's most northern, example of Palaeolithic Cave Art.

Any nomination of Creswell Crags for inscription on UNESCO's World Heritage List is likely to include a buffer zone as advised by UNESCO. The purpose of a buffer zones is to protect the Outstanding Universal Value of a WHS. UNESCO's *Operational Guidelines for the Implementation of the World Heritage Convention* (July 2015) go on to say that a Buffer Zone "is an area surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection." This would have implications for any extraction activities as well as traffic movements to the Whitwell plant, which would use the A616 through Creswell Conservation Area. The Minerals Plan should take into account the potential for Creswell Crags to be inscribed on the World Heritage List, together with an associated buffer zone, and have full regard to NPPF paragraph 132 guidance that harm to significant heritage assets, and their settings, should be wholly exceptional.

The Crags also form part of the Welbeck Registered Park and Garden (Grade II). Humphry Repton's inclusion of the sublime natural form of the Crags into the designed landscape of the Grade I listed Welbeck Abbey and the subsequent damming of the gorge to create a water-fowling lake provide additional layers of historic landscape significance. It is also partially within the Creswell Conservation Area.

Heritage impacts arising from the extraction of dolomite in this location are considered to be two-fold. Firstly, the dolomite resource area occupies the southern end of the magnesian limestone ridge through which the Creswell gorge passes. The existing quarry workings to the north severs the monument from the ridge leaving the proposed allocation area to the south as the sole opportunity to experience and understand the monument in something of its late Pleistocene landscape context. Neither Neanderthal nor Late Upper Palaeolithic populations were simply huddled in gorges and caves enclosed from their environment, they were also up on the ridges above working flint and hides and looking out across extensive steppe grassland (as demonstrated in recent and current excavations in Rutland and Leicestershire. The lives of hunter gather peoples were, we believe, intimately associated with the seasonal movements of large mammals and birds through the landscape in which they operated (as supported by the cave art at Creswell). The ability to experience this monument in its extant landscape context (as well as within the enclosed space of the gorge) is central to its significance.

Secondly, there are a number of significant unknown impacts which may give rise to further harm. Specifically, the proposed allocation area has unexplored potential for finds assemblages surviving both in topsoil and in-situ below hill wash or in fissures. Caves containing archaeological and palaeo-environmental remains potentially extend at depth beyond the Scheduled Monument boundary on this southern side of the gorge and would be vulnerable both to the proposed working and associated vibration. It is also proposed to process the mineral through the existing workings at Whitwell in order to utilise the existing infrastructure. The resulting haulage of mineral from the extraction site to the kilns via either the existing transport network, or new corridors through the landscape are likely to cause additional harm. It is anticipated that any future restoration of the quarry site is likely to be water based, which could also have unknown implications for the scheduled cave network and would not reinstate topographic form.

Historic England considers that the likely impact of dolomite extraction at the Holbeck site would

constitute substantial harm to the significance of designated heritage assets of the highest importance contrary to the provisions and intentions of the NPPF and with the possibility of resulting in a situation where dolomite extraction is not deliverable at this location. On that basis, Policy MP9 is not sound.

It is also noted that the justification text states that there is no national demand forecast or local apportionment for dolomite. It also states that the resource supplies an international market. However, there is no associated evidence base to support the 'international' importance of industrial dolomite provision in the UK. The company overseeing the extraction at the neighbouring Derbyshire site owns various dolomite related sites throughout the world but it is not clear what proportion of the extraction, or type (industrial grade or aggregate limestone) is used in the UK or abroad. This also exceeds the requirements of the NPPF (Para 204a).

Due to ongoing concerns with the continued reference to industrial dolomite within the emerging Plan Historic England commissioned a report on the dolomite situation during 2018 and we are aware that potential alternative sources are available outside the Plan area. It is not clear how any such supplies have been considered in the context of the Plan and the *de facto* site allocation situation. Such uncertainty clearly highlights that there is insufficient information available on which to determine impact and further evidence base work and assessment is required to inform the Plan.

On this basis Historic England submits that the Plan is not sound in respect of Policy MP9: Industrial Dolomite Provision and the NPPF requirements for the historic environment and facilitating the sustainable use of minerals.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

Remove Policy MP9 and associated text from the Plan. Alternatively, additional work should be undertaken to provide further evidence in respect of alternative sites and the need for dolomite (as indicated in the Plan) to justify the need for inclusion of Policy MP9, or a revised version, in the Plan. Historic England would be open to discussing further with the Council ahead of the EIP.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?


No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	X

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The issue of the proposed Policy MP9: Industrial Dolomite Provision has been ongoing during the Plan process and is not straightforward. Historic England will aim to engage with the Council in respect of our concerns ahead of the EIP but are aware that these concerns may not be resolved by that time. We would be happy to attend the EIP to discuss any issues that the Inspector may have in respect of this policy and the historic environment during the EIP.

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature		Date	11 October 2019
Name	Rosamund Worrall for Historic England		