

Reference: 0002ro

**Strategic Infrastructure and
Planning
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Cherwell District Council
Bodicote House,
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Banbury.
Oxfordshire OX15 4AA

**Rachel Wileman
Assistant Director Strategic
Infrastructure and Planning**

19th May 2021

Dear Sir or Madam,

**Re: APP/C3105/W/21/3270400 - Land North East Of Fringford Study Centre
Adjoining, Rectory Lane, Fringford**

The appeal site is located within an area of archaeological interest immediately adjacent to a multi period site recorded by archaeological evaluation and mitigation ahead of development in the 1990s. This site consisted of Late Iron Age and Roman ditches recorded 30m south east of the application area and a Roman cremation burial 37m to the east. A series of plough furrows was recorded and dated to the C11th aligned to continue into this plot. A mid C13th building was also encountered during the excavation, 20m east of this site. A second building was also recorded to the south east. These buildings were well preserved. Further Iron Age, Roman and Medieval features were recorded 80m east of the site in an earlier excavation.

The site of this application was not included in these investigations, but it is highly likely that further aspects of the late Iron Age and Roman sites and the medieval settlement will survive within the application site. Including a high potential for well-preserved medieval buildings to be present.

The National Planning Policy Framework (2019) paragraph 189 makes it clear that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. 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.

Due to the potential for this site to contain further archaeological features we therefore recommended that an archaeological evaluation would be required ahead of the determination of any planning application in line with the NPPF, paragraph 189. This was not undertaken and was therefore listed as a reason for refusal of this permission.

We had previously provided similar advice in 2010 for an earlier application for this site under the reference number 10/01220/F. This was refused, partly on archaeological grounds, and was appealed (APP/C3105/A/10/2140169). This appeal was refused, again partly on the lack of any archaeological assessment and evaluation.

The applicants planning statement does discuss the previous appeal but only cites one major issue with the application from the appeal and omits any reference to the inspector's comments on heritage grounds. The appeal decision also highlighted the lack of a desk-based assessment and evaluation but the applicants planning statement omitted any reference of this.

Reasons 8 and 9 of the appeal decision states that

8. An Inspector concluded in relation to an earlier appeal on this site (Ref: T/APP/C3105/A/99/1017667/P7), that because of what is known about the archaeological importance of the adjacent site a Grampian condition would not be sufficient to protect its archaeological potential. She stated that a field investigation should be carried out before the determination of any planning application for development which might affect that interest and I agree. Moreover, paragraph HE6.1 of PPS5 advises that 'where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation'.
9. In the absence of even a desk-based assessment the proposal fails to comply with national planning policy objectives in this regard. Consequently I find on this issue that insufficient information has been provided to enable an adequate assessment of the impact of the proposal on archaeology at this stage.

The archaeological background to this site was therefore well known to the applicant but at the time of the determination of this application no such assessment of the significance of any heritage assets affected by this development was submitted as part of the planning application and as such the application was therefore not in accordance with the objectives of the NPPF.

Following the refusal of this planning application the applicant has now submitted a desk-based assessment as part of the appeal submission. This was only produced after the determination of the planning application.

There are however numerous errors and omissions within this assessment and we cannot therefore agree with its conclusions and its assessment of the archaeological potential of the site or the likely significance of any archaeological heritage assets that may be affected by this proposed development.

The applicants DBA was not undertaken in line with the standards and guidance for archaeological desk-based assessments produced by the Chartered Institute for Archaeology (CIfA 2020) and no specification was agreed for it as set out in this standard (3.2.1). This specification would have agreed the scope of the assessment. This requirement was reiterated to the applicant's archaeological consultant when the historic environment record data was supplied along with a document setting out what would be expected to be included in such an assessment, but this was not followed.

Aerial photographs and Lidar data indicate that the site has seen no recent development and remains relatively undisturbed and so any archaeological remains on the site are also likely to be relatively undisturbed. The assessment does agree with this in its conclusion but does not include any Lidar data, available for the site for free from the Environment Agency and only contains a single modern aerial photograph.

The assessment states that the site has been subject to some disturbance from a C19th building on the site identified from the 1881 OS Map and it also includes a small image showing a modern aerial photograph overlain with a map described as 1891. No building appears to be visible on this map however. The first edition OS map of 1881 does show a tree on the site which is shown outside of the footprint of this proposal. This 1881 OS map does appear to be one shown in the report.

This tree is shown as a roughly circular amorphous shape and this icon is also used elsewhere on this edition of the OS maps to denote trees. This tree is also shown on the second edition OS map (1900) in the same location using a more traditional tree icon. We have no records on early OS maps of any building on this site and there is nothing included in this assessment that demonstrates any C19th building on the site. A 1961 aerial photograph does show a number of trees in this area of the proposed site.

The assessment includes the summary from the adjacent excavations which has been copied into the assessment almost verbatim but contain very little consideration elsewhere in the report of the archaeological potential for the site. Historic Environment Record data has been included for a 1km area around the site but there is no consideration as to how this relates to the site.

There has been relatively little formal previous archaeological investigation of the area and so very few records exist for the site. The nearest comparable evaluation was undertaken 1.5km to the north east of the site which recorded a sizable, and previously unknown, Iron Age settlement site. Due to this lack of previous investigation the potential for deposits from most periods is unknown rather than low. This is not however considered in this assessment.

The assessment concludes there is a medium-low potential for archaeological deposits relating to the early medieval period. This is surprising however as archaeological deposits of this period were recorded immediately adjacent to the site in the form of ditches which were aligned such that they would be expected to continue into this area. There is therefore a high potential for these linear features to continue and be present within the site and the assessment should have considered this.

The assessment also assigned a medium potential for medieval deposits to be present. The mid C13th building recorded immediately adjacent to this site was considered to be a barn type structure and it is likely this was located along the line of the current road. This proposed development site is located on the bend of this road as it turns to the south and is therefore a key location for a medieval dwelling or farmhouse. The potential for further medieval structures to be present on this site must be therefore also be considered high.

A second building was also recorded to the SE and other yards surfaces and occupation horizons were also recorded. These buildings were well preserved and were considered to be outbuildings. The summary from the earlier excavation included in this assessment highlights how well these remains were preserved in relation to other medieval sites in

the County, including one that is scheduled. The assessment makes no other reference to this high level of preservation and as such we cannot agree with the assessment of significance contained within the report.

Well preserved remains of medieval buildings would be considered to be of high significance, particularly if they are shown to be of demonstrably better preservation than designated sites as this assessment, in its use of the text from the adjacent excavation report, would seem to suggest.

The assessment states that part of the site has been evaluated, but this is not the case although a very small part of the proposed development site was included on the north western edge of the geophysical survey. It should be noted however that the geophysical survey did not identify the location of the two medieval buildings later found within the main area of the survey and the conclusions of the geophysical survey report make no reference to the potential for stone buildings to survive on the site.

Even if this survey had included the whole of this proposed development plot then these results could not be relied upon on their own to identify the presence of further, well preserved, medieval buildings. No consideration of the veracity of this geophysical survey data has been included in the assessment.

The site therefore has considerable potential to contain structural remains of medieval buildings which are likely to be well preserved. A well-preserved medieval house on the site would be considered to be of high significance.

There is therefore currently insufficient information submitted with either the planning application or this appeal on the survival of any medieval remains on the site to be able to appropriately assess their significance and an archaeological evaluation will need to be undertaken on the site in order to provide the level of information required to be able to assess this significance in line with paragraph 189 of the NPPF.

Yours sincerely



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