

**District:** Cherwell

**Application No:** 20/01756/OUT

**Proposal:** Removal of Conditions 17 (Archaeological Written Scheme of Investigation), 18 (staged programme of archaeological evaluation and mitigation ) and 27 (hardstanding) of 18/01491/OUT

**Location:** Land Adj To Cotwold Country Club And South Of Properties On, Bunkers Hill, Shipton On Cherwell

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## **Archaeology**

### **Recommendation:**

Objection

### **Key issues:**

The two conditions requiring an archaeological investigation should not be discharged at this stage.

### **Legal agreement required to secure:**

### **Conditions:**

### **Informatives:**

### **Detailed comments:**

The site is located in an area of considerable archaeological interest as set out in our original advice letter. The site is located 260m south of the location of a scheduled Neolithic Long Barrow (SM 30873) and 90m south of a Bronze Age barrow surviving as a low earthwork and visible as a ring ditch on aerial photographs. Two further possible Neolithic Long barrows are located in the area 500m north west of the proposed site. A further Bronze Age barrow has been identified 450m south east of the proposed site. These features would have been used for the burial of human remains and it is very likely that further human remains will be encountered during any development of the site.

Iron Age and Roman settlement has been identified 380m north of the site from field walking and aerial photographs and a Roman settlement has also been recorded 700m south east of the proposed development. The site is also located 200m east of the line of the Oxford Ridgeway which is thought to be a Saxon street. Archaeological features related to these sites are also likely to survive on the site.

This potential should have been addressed in the applicant's heritage statement, but no such statement was submitted in line with paragraph 189 of the National Planning Policy Framework.

The NPPF also states that:

199. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

In order to ensure that any archaeological deposits disturbed by this proposed development are recorded and their understanding advanced in line with this paragraph we therefore recommended conditions to require a programme of archaeological investigation on the site. This was also recommended for an earlier application for the site (17/02148/OUT).

The first condition (17) requires that the applicant submits a written scheme of investigation (WSI) setting out how the archaeological work will be undertaken. It is essential that this is undertaken in advance of the commencement of the development as it will set out where archaeological investigation needs to take place before any further works are undertaken.

Condition 18 is not a pre-commencement condition and simply requires that the work is undertaken in line with the agreed WSI. Developments within Cherwell are routinely commenced and undertaken prior to conditions such as this (18) being discharged. As such this condition did not need to be agreed in advance and the work required would still need to be undertaken.

Without these conditions then paragraph 199 of the NPPF would not have been met and we would have therefore had to recommend the refusal of the planning application. Such conditions are therefore both required and justified within the NPPF and planning system and do meet all six tests required for a condition to be acceptable.

The application is located in an area where there is a considerable potential for human remains to be encountered. Regardless of any planning requirements the applicant should be made fully aware that the disturbance of human remains without an exhumation licence issued by the Ministry of Justice is a criminal offence. Such licences are difficult to obtain without an archaeologist involvement.

As we have clearly identified this potential in advance of any development then any human remains encountered could not be considered or argued to be unexpected discoveries. Should this development commence without the required archaeological investigations then County Archaeology would not be able to provide any assistance to the developer in obtaining such a licence from the Ministry of Justice or the Police in dealing with any remains.

This programme of archaeological investigation is therefore essential for this development to be undertaken in line with the NPPF and we would therefore not recommend that these conditions are discharged and that this staged programme of archaeological investigation is undertaken ahead of any development.

**Officer's Name:** Richard Oram  
**Officer's Title:** Lead Archaeologist  
**Date:** 29 December 2020

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