

Lynne Baldwin

From: Oram, Richard - Oxfordshire County Council <Richard.Oram@Oxfordshire.gov.uk>
Sent: 21 September 2022 12:42
To: David Lowin
Cc: DC Scanning; Andy Bateson; Matthew Wyatt
Subject: RE: Application 21/02467/F OS Parcel 0005 and Part OS Parcel 1300 0878 and 7566, Banbury

David,

Thank you for your email.

The site is located in an area of considerable archaeological interest as identified from a geophysical survey and a trenched evaluation undertaken to inform planning application 17/01044/F.

This evaluation recorded archaeological deposits relating to Roman settlement in the north and south of the site.

Such evaluations however are intended solely to determine if archaeological deposits survive on a site and to provide sufficient information to assess their significance in line with paragraph 194 of the National Planning Policy Framework (2021). Such evaluations do not however fully record or mitigate these deposits.

Indeed, the actual evaluation report itself highlights that many of the features identified could not even be initially assessed due to the ingress of ground water.

Paragraph 205 of the NPPF requires local planning authorities to record and advance understanding of the significance of any heritage to be lost.

As the evaluation was never intended to fully record and advance the understanding of the significance of the features identified and given that a considerable number of the Roman features could not be investigated due to ground water then it is clear that the evaluation did not 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.

As such we recommend that conditions for a programme of archaeological evaluation and mitigation be attached to any planning permission to ensure that this mitigation would be undertaken as required by paragraph 205 of the NPPF for both application 17/01044/F and the subsequent application 19/00128/HYBRID in line with paragraph 205.

Following our advice, we were contacted by the then planning officer at Cherwell DC to state that the applicant did not wish to undertake the required archaeological mitigation and felt that the evaluation was sufficient on its own to have fully mitigated the site. As such Cherwell chose not to require the applicant to undertake the work in line with the NPPF.

We do not agree that this was in line with the NPPF or indeed in line with policies within the Cherwell Local Plan.

When application 21/02467/F was submitted we therefore requested that the application produce an updated desk-based assessment in line with paragraph 194 taking into account the recent archaeological work that had been undertaken and setting out how the previous evaluation had

appropriately mitigated the archaeological deposits on the site in line with paragraph 205 of the NPPF.

This desk-based assessment was submitted in March 2022. Rather than set out how these deposits were appropriately mitigated this desk-based assessment highlighted that the site has archaeological interest and, in line with the NPPF, recommended that an archaeological evaluation be undertaken to provide sufficient information to be able to develop an appropriate archaeological mitigation strategy.

The desk-based assessment produced by the applicants own archaeological consultant and submitted with application 21/02467/F clearly states that: (my emphasis)

‘9.7 Due to the potential survival of archaeological features in the proposed development area it is recommended that a further programme of trial trenching is undertaken on the site, to determine the level of survival and extent of the potential archaeological resource. This will be used to inform the extent of any further archaeological work that will be required to mitigate the impact of development upon the identified archaeological resource. Should significant archaeology be shown to survive, further trial trenching will not be adequate on its own to mitigate these impacts.’

We would agree with this assessment and therefore recommended that conditions be attached to any planning permission to ensure that this mitigation is undertaken in line with the National Planning Policy Framework (2021) paragraph 205.

Regards

Richard

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From: David Lowin <David.Lowin@Cherwell-DC.gov.uk>

Sent: 15 August 2022 08:35

To: Oram, Richard - Oxfordshire County Council <Richard.Oram@Oxfordshire.gov.uk>

Cc: DC Scanning <DCScanning@Cherwell-DC.gov.uk>; Andy Bateson <Andy.Bateson@cherwell-dc.gov.uk>; Matthew Wyatt <Matthew.Wyatt@pwaplanning.co.uk>

Subject: Application 21/02467/F OS Parcel 0005 and Part OS Parcel 1300 0878 and 7566, Banbury

Dear Richard,

I write to seek your comments following your response to our formal consultation on the above application, on which you commented on 16/8/21, to the applicant's reaction set out below to your requirements, given the alleged precedent cited:

The hybrid application ref. 19/00128/HYBRID was approved with no conditions (either relating to the full our outline elements) that require further archaeological investigations. This fall-back position carries significant material weight and we do not feel that any further action is necessary.

I look forward to your response,

David Lowin BA,MA,MA, MRTPI
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Communities Directorate
Cherwell District Council

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