

Emma Whitley

From: Oram, Richard - Oxfordshire County Council <Richard.Oram@Oxfordshire.gov.uk>
Sent: 05 December 2023 08:24
To: Emma Whitley
Subject: RE: 23/02595/DISC - Discharge of Condition 9(d) (archaeology) of 18/01430/TWAO

Follow Up Flag: Follow up
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Emma,

I have spoken to Victoria and looked again at the condition. The condition is not a standard one and certainly not one we would have recommended. The previous discharges should not have been approved based on the wording of this condition and it is in nobody's benefit to simply repeat mistakes for consistency.

The post excavation assessment they have submitted relates to an area of flood compensation they have called Area 2A2. In terms of consistency however If you look at the discharge application for a very similar area of flood compensation, titled Area 2A1, you will see that in order to part discharge 9b they submitted the WSI and not the post excavation assessment (20/01391/DISC).

Condition 9d states that

(d) Where archaeological remains are recorded by evaluation and are not of sufficient importance to warrant preservation in situ but are worthy of recording, the development at the relevant location must be carried out in accordance with a WSI, that includes details of timings, provision for post excavation analysis and the publication of a report, which has been submitted to and approved in writing by the relevant local planning authority.

No part of this condition requires them to submit a post excavation assessment, nor does the submission of such an assessment meet the requirements of this condition. The condition states that the WSI must contain provision for the full post excavation analysis and that this WSI must be agreed in writing with the LPA.

This WSI was agreed a number of years ago and this condition would surely have needed to be discharged before the archaeological work itself or the development. It was for other areas of this scheme, including the flood compensation area 2A1.

I have spoken to their archaeological consultant, who is also equally bemused.

This condition does state that the WSI will need to contain provision for the post excavation analysis of anything recorded, which the agreed WSI did indeed contain. It also contained provision for the agreement of a post excavation assessment setting out what this analysis will consist of, and this is the document that has now been submitted. This is not the analysis itself however and submitting this post excavation assessment does not secure the delivery of the analysis or the publication which are specifically mentioned by this condition. This analysis and publication will need to be undertaken as set out in the WSI.

As this analysis and publication has not yet been completed we cannot recommend that the requirements of this condition has been fully met. However all the condition actually requires is that the WSI setting out the provision for this, is approved in writing by the LPA.

We can confirm that the fieldwork is complete as set out in the agreed WSI and we can confirm that this post excavation assessment setting out what the further post excavation analysis has also been agreed as set out in the WSI. What has not yet been undertaken however is the analysis set out in this post excavation assessment and the publication which will be produced once this has been completed.

They do need to undertake the analysis and publication set out in this assessment in line with the provisions contained within the WSI, as required by condition 9b, and this document is only one part of what was set out in this WSI.

I don't really know what they are looking to discharge therefore.

I wonder if it would be useful to give me a call and we can discuss this further.

Regards

Richard

Richard Oram
Lead Archaeologist

Archaeology
County Hall
New Road
Oxford
OX1 1ND

Tel 07917 001026

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From: Emma Whitley <Emma.Whitley@Cherwell-DC.gov.uk>
Sent: Tuesday, November 21, 2023 9:44 AM
To: Oram, Richard - Oxfordshire County Council <Richard.Oram@Oxfordshire.gov.uk>
Subject: FW: 23/02595/DISC - Discharge of Condition 9(d) (archaeology) of 18/01430/TWAO

Dear Richard,

I trust you are well.

You recently sent me a consultation response in regard to the above application. You queried that they submitted an archaeological evaluation report and a post excavation assessment, which was not required by the relevant condition (9d), and should therefore be a site specific mitigation WSI.

The applicants have come back to me (below) as we have discharged similar DISCs (23/00312/DISC and 23/01055/DISC) following consultation responses from Victoria to discharge the applications.

I just want to check with you before I go back to them, particularly given the perhaps inconsistent approach previously taken on sites within the same application in the district. Can we accept the evaluation and post excavation assessment reports in order to meet this condition in this instance?

Thanks for your help.

Kind regards,

Mrs. Emma Whitley BSc (Hons) MSc MRTPI
Senior Planning Officer - South
Communities Directorate
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Cherwell District Council
www.cherwell.gov.uk

My usual working days are Tuesday – Thursday inclusive.

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From: Flisher, Rebecca <Rebecca.Flisher@atkinsrealis.com>
Sent: Monday, November 20, 2023 4:47 PM
To: Emma Whitley <Emma.Whitley@Cherwell-DC.gov.uk>
Cc: Rosillo, Samuel <Samuel.Rosillo@atkinsrealis.com>
Subject: RE: 23/02595/DISC - Discharge of Condition 9(d) (archaeology) of 18/01430/TWAO

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Hi Emma,

Apologies for the delay in getting back to you.

We have been looking into the second issue you've raised. By way of background, the Written Schemes of Investigation for the two sites that are the subject of the below discharge of conditions application were previously submitted to and approved by Cherwell District Council under the application numbers listed below. These met condition requirement 9(b) of the WSI condition as it relates to the TWAO (see attached for planning direction).

Discharge application number	Decision date	WSI approved
20/02787/DISC	13/10/2020	Development Stage 2A2: 2A0326/5.2/FH Flood Alleviation Area at Land West of Station Road, Oxfordshire
20/01152/DISC	01/06/2020	Development Stage 2A1: Land West of Bicester Bypass (Mill Meadow)

The subject condition discharge application seeks to discharge the requirements of 9(d). We have previously submitted (and had approved) recent discharge of conditions applications to Cherwell DC relating to condition 9(d) where we have provided a similar type of report. The table below provides detail on these recent applications. So we are unclear as to why the approach is now no longer considered acceptable.

Discharge application number	Decision date	Document approved
23/00312/DISC	10/03/2023	Post Excavation Assessment - 2A2: Compound 2A2 and Access at Land East of Station Road, Oxfordshire
23/01055/DISC	25/05/2023	Watching Brief Report - Development Stage 2A1: Ecological Compensation Site A1 at Land West of Charbridge Lane

If easier, we would be happy to discuss on a call. This may be easier.

Many thanks

Rebecca Flisher

Graduate Planner
AtkinsRéalis
+441214835705
2 Chamberlain Square
Birmingham , B3 3AX, GB

From: Emma Whitley <Emma.Whitley@Cherwell-DC.gov.uk>
Sent: 08 November 2023 14:16
To: Flisher, Rebecca <Rebecca.Flisher@atkinsrealis.com>
Subject: RE: 23/02595/DISC - Discharge of Condition 9(d) (archaeology) of 18/01430/TWAO

Thanks for the update Rebecca.

I'll wait to hear from you.

Mrs. Emma Whitley BSc (Hons) MSc MRTPI
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From: Flisher, Rebecca <Rebecca.Flisher@atkinsrealis.com>
Sent: Wednesday, November 8, 2023 2:12 PM
To: Emma Whitley <Emma.Whitley@Cherwell-DC.gov.uk>
Subject: RE: 23/02595/DISC - Discharge of Condition 9(d) (archaeology) of 18/01430/TWAO

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Hi Emma,

I have spoken with our team. Due to A/L the issue needed to be picked up by someone new, but has now been passed back the original team member who is back form A/L.

I am waiting on an update from them and will get back to you as soon as I can.

Many thanks

Rebecca Flisher

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Birmingham , B3 3AX, GB

From: Emma Whitley <Emma.Whitley@Cherwell-DC.gov.uk>
Sent: 08 November 2023 13:58
To: Flisher, Rebecca <Rebecca.Flisher@atkinsrealis.com>
Subject: RE: 23/02595/DISC - Discharge of Condition 9(d) (archaeology) of 18/01430/TWAO

Hi Rebecca,

I can't see a response from you and I'm conscious that the deadline for the applica•on is 17th November. Have you had a chance to review this?

Kind regards,

Mrs. Emma Whitley BSc (Hons) MSc MRTPI
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From: Emma Whitley
Sent: Tuesday, October 24, 2023 12:42 PM
To: 'rebecca.flisher@atkinsrealis.com' <rebecca.flisher@atkinsrealis.com>
Subject: 23/02595/DISC - Discharge of Condition 9(d) (archaeology) of 18/01430/TWAO

Dear Rebecca,

I have received the following comments from the Council's Archaeologist in rela•on to the above applica•on.

Please can you take a look and come back to me?

Thank you for consulting us on this discharge application.

I do have a couple of questions before we can respond however.

The first is that whilst this has been submitted to Cherwell and the reports they have submitted for this discharge are within Oxfordshire their application form states that they consider this discharge to be within the jurisdiction of Buckinghamshire Council (Page 5)

- *'This application covers the next batch of sites where reports have been completed and the site lies within the jurisdiction of Buckinghamshire Council.'*

This is likely to be a mistake on their part but it is also possible that they also submitted the wrong documents so it would be useful if this could be checked, and ideally corrected.

The second issue is that they have submitted an archaeological evaluation report and a post excavation assessment. Condition 9d however does not require either of these documents to be formally agreed by the LPA. What this condition actually states is that (my emphasis for clarity)

- (d) Where archaeological remains are recorded by evaluation and are not of sufficient importance to warrant preservation in situ but are worthy of recording, **the development at the relevant location must be carried out in accordance with a WSI**, that includes details of timings, provision for post excavation analysis and the publication of a report, **which has been submitted to and approved in writing by the relevant local planning authority.**

I would therefore suggest that it is the site specific mitigation WSI that needs to be submitted and agreed in writing by the local planning authority and not these evaluation and post excavation assessment reports in order to meet this condition.

This WSI will need to contain the details of the timings and provision for the post excavation assessment and would need to be submitted to meet this condition for these specific sites.

These reports have been agreed with us but there is not actually any condition that requires such reports to be submitted and the WSI that is required has not been included in this discharge application.

Kind regards,

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