

**East West Rail Network Phase 2 The Scheme  
Railway From London Road Bicester To Talisman  
Road Bicester**

**23/02595/DISC**

**Case Officer:** Emma Whitley

**Recommendation:** Approve

**Applicant:** Network Rail Infrastructure Ltd

**Proposal:** Partial discharge of condition 9(d) (archaeology) of 18/01430/TWAO: the Archaeological Evaluation Report and Post Excavation Assessment

**Expiry Date:** 21 December 2023

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**1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT**

1.1. The Site comprises a sub-rectangular parcel of land situated within Bicester town centre (between London Road and Talisman Road). In February 2020, the DfT granted planning permission for proposed Network Rail improvements, known as East-West rail.

**2. CONDITIONS PROPOSED TO BE DISCHARGED**

2.1. The archaeological works submitted were undertaken to satisfy planning condition 9 attached to the construction of Phase 2 of the Western Section of a new rail link between Oxford and Bicester and Milton Keynes and Bedford (East-West Rail) on behalf of the East-West Rail Alliance.

2.2. The condition is phased and split into four parts (a-d).

**3. RELEVANT PLANNING HISTORY**

3.1. The following planning history is considered relevant to the current proposal:

**Application: 18/01430/TWAO** Permitted 4 February 2020

Proposed Network Rail (East West Rail Bicester to Bedford Improvements)  
Order

**Application: 20/00466/DISC** Permitted 22 June 2020

Discharge of Condition 17 (surface water drainage plan) of 19/00607/F  
Compound A1

**Application: 20/00591/DISC** Permitted 15 April 2020

Discharge of Condition 3 (development stages) of 18/01430/TWAO

**Application: 20/00592/DISC** Permitted 3 April 2020

Discharge of Condition 9(a) (Heritage Delivery Strategy) of 18/01430/TWAO -  
Development Stages A1 and A2

**Application: 20/00593/DISC** Permitted 23 April 2020

Discharge of condition 10 (Code of Construction Practice) of 18/01430/TWAO – Development Stages A1 and A2

**Application: 20/00619/DISC** Permitted 23 April 2020

Discharge of Condition 11 (Contaminated land) of 18/01430/TWAO – Development Stages A1 and A2

**Application: 20/00620/DISC** Permitted 9 April 2020

Discharge of Condition 12 (Ecological Management Plan) of 18/01430/TWAO

**Application: 20/00722/DISC** Permitted 3 September 2020

Discharge of Condition 14a (Overarching surface water drainage assessment) of 18/01430/TWAO

**Application: 20/00723/DISC** Permitted 16 April 2020

Discharge of Condition 6 (implementation and maintenance of railway fencing) of 18/01430/TWAO

**Application: 20/00727/DISC** Permitted 15 July 2020

Discharge of condition 15a (Construction Traffic Management Plan) of 18/01430/TWAO - Development Stages A1 and A2

**Application: 20/00728/DISC** Permitted 18 June 2020

Discharge of Condition 15b (Public Rights of Way) of 18/01430/TWAO

**Application: 20/01152/DISC** Permitted 1 June 2020

Partial Discharge of condition 9b (Written Scheme of Investigation) of 18/01430/TWAO relating to Land West of Bicester By-Pass, Mill Meadow

**Application: 20/01389/DISC** Permitted 15 July 2020

Partial discharge of Condition 9b (Written Scheme of Investigation) of 18/01430/TWAO - Ecological Compensation Area, West of Charbridge Lane

**Application: 20/01391/DISC** Permitted 15 July 2020

Partial Discharge of Condition 9b (Written Scheme of Investigation) of 18/01430/TWAO - Flood Alleviation Area, East of Bicester Road

**Application: 20/01497/DISC** Permitted 8 September 2020

Partial Discharge of Condition 13 (Flood Risk Assessment) of 18/01430/TWAO - Langford Brook

**Application: 20/01499/DISC** Permitted 14 December 2020

Partial Discharge of Condition 13 (Flood Risk Assessment) of

18/01430/TWAO - Launton Brook

**Application: 20/01803/DISC** Permitted 3 August 2020

Partial Discharge of Condition 9b (written scheme of investigation) of 18/01430/TWAO, Access and Construction Site at Land East of Station Road

**Application: 20/01804/DISC** Permitted 12 October 2020

Partial Discharge of Condition 14b (surface water drainage) of 18/01430/TWAO (Station Road and Charbridge Lane)

**Application: 20/02063/DISC** Permitted 6 August 2020

Partial Discharge of Condition 9b (Written Scheme of Investigation) of 18/01430/TWAO, Compound 2A2 and Access at Land East of Station Road

**Application: 20/02119/DISC** Permitted 7 October 2020

Partial Discharge of condition 13 (Flood Risk Assessment) of 18/01430/TWAO relating to Westbury Court

**Application: 20/02787/DISC** Permitted 13 October 2020

Partial Discharge of Condition 9 (Archaeology) of 18/01430/TWAO, Compound 2A2 and Access at Land West of Station Road

**Application: 20/03102/DISC** Permitted 20 April 2021

Discharge of condition 7 (a)(b)(i) (landscaping proposals at Bridge 36AA Charbridge Lane) of 18/01430/TWAO

**Application: 20/03358/DISC** Permitted 18 January 2021

Partial Discharge of Condition 12b (Biodiversity Strategy) of 18/01430/TWAO, Compound 2A2 and Access at Land West of Station Road

**Application: 20/03365/DISC** Permitted 13 May 2021

Discharge of condition 7 (a)(b)(ii) (landscaping proposals at Bridge 34A Station Road) of 18/01430/TWAO

**Application: 23/00312/DISC** Permitted 10 March 2023

Partial discharge of Condition 9d (Archaeological Written Scheme of Investigation) of 18/01430/TWAO

**Application: 23/01055/DISC** Permitted 25 May 2023

Discharge of Condition 9d (Archaeological Written scheme of investigation) of 18/01430/TWAO (Station Road and Charbridge Lane)

#### **4. RESPONSE TO CONSULTATION**

- 4.1. 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.

#### **5. APPRAISAL**

Condition 9 of the Order states:

##### **9. Archaeology**

(a) No development is to commence in respect of any individual stage until the Heritage Delivery Strategy document has been produced and approved in writing by the relevant local planning authority related to that individual stage. This document must detail evaluation and mitigation measures for heritage assets including buried archaeology. These measures must include geophysical surveys, trial trenching and excavation and a programme of works.

(b) Where archaeological evaluation is planned, no development, unless otherwise agreed in writing beforehand by the local planning authority, is to take place until a location specific Written Scheme of Investigation ("WSI") has been submitted to and approved in writing by the relevant local planning authority.

(c) Where archaeological remains of national importance are found, no development at that location is to take place until an appropriate methodology for their preservation in situ, where reasonably practical, has been submitted to and approved in writing by the relevant local planning authority. The methodology must be implemented as approved.

(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.

Reason: To ensure adequate protection and recording of historic features and archaeological remains.

The County Archaeologist has confirmed that the condition 9 (d) may be partially discharged insofar as the fieldwork is complete in the agreed WSI and the post excavation assessment has also been agreed. However, the applicants will need to undertake the analysis set out in the submitted post excavation assessment and the publication will be produced once the analysis has been completed.

The original application was EIA development. This application is not a 'subsequent application' as it is not a pre-commencement requirement. The ES accompanying the original application is still considered adequate to consider the content of this submission.

As such, condition 9(d) may be partially discharged.

**6. RECOMMENDATION**

That Planning Condition(s) 9(d) of THE NETWORK RAIL (EAST WEST RAIL BICESTER TO BEDFORD IMPROVEMENTS) ORDER 2020 be partially discharged based upon the following:

Condition 9(d)

Partial discharge of condition 9 (d) in accordance with the Post Excavation Assessment by EWR Alliance dated November 2021, revision P01 relating to development stage 2A2: 2A0326/5.2/FH (West) Flood Alleviation Area at Land West of Station Road, Oxfordshire (CFSA A2).

Case Officer: Emma Whitley

DATE: 11 January 2024

Checked By: Caroline Ford

DATE: 19 January 2024

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