

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

23/03508/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 for Development Stage 2A1: Compound 2A1, CFSA A1(2A0061), Mill Meadow (2A0354), Charbridge Allotments (2A0033, 2A0037) and Tythe Barn (2A0329, 2A0330)

Expiry Date: 8 February 2024

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

1.1. The application relates to the development stages as detailed above relating to the East West Rail line. 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: Permitted 4 February 2020
18/01430/TWAO

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

Application: 23/02595/DISC Permitted 19 January 2024

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

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

RESPONSE TO CONSULTATION

OCC Archaeology: The applicant has submitted a post excavation assessment for the archaeological investigations on this site. This assessment has been agreed with OCAS and sets out the work that will be required to be undertaken to produce a suitable report and archive of these investigations as set out in the agreed WSI.

This assessment however is not the final report specified in condition 9b and as such this condition should not be fully discharged at this stage.

Whilst we would have no objection to Cherwell confirming the partial discharge of this condition it should be highlighted that this condition would not have been fully met until such time as the post excavation work, detailed in this post excavation assessment, is undertaken, an archive produced and the final publication of the report as set out in the agreed WSI.

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.

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 August 2022 revision P01 relating to Development Stage 2A1: Compound 2A1, CFSA A1(2A0061), Mill Meadow (2A0354), Charbridge Allotments (2A0033, 2A0037) and Tythe Barn (2A0329, 2A0330) and the Launton PXA Parts 1 -8 and LiDAR Figure 113 Documents received by the Council on 4 March 2024.

Informative

The applicant is reminded that the analysis set out in this post excavation assessment and the publication will need to be produced once this has been completed. This will need to be completed and submitted for this development stage area to enable the full discharge of condition 9 (d).

Case Officer: Emma Whitley

DATE: 7 March 2024

Checked By: Caroline Ford

DATE: 21 March 2024
