

Mrs Helen Wilson
Programme Officer
32 Pennyford Close,
Brockhill,
Redditch
B97 6TW

date 29th October 2010
my ref
your ref OBJ109/3W
contact David Radford
direct 01865 252605
dial
e-mail dradford@oxford.gov.uk

Dear Mrs Wilson

**Project Evergreen
Transport and Works Act**

I am writing on behalf of Oxford City Council to provide a written statement (attached) addressing the wording of the archaeological conditions for this scheme as proposed by Chiltern Railways. This supplements the City Council's original objection dated 16th February 2010. In summary we have two main issues to bring to your attention:

1) With regards to conditions 8 and 9 we would request amendments to each in order to bring them in line with the advice set out in Department of Environment Circular 11/95 paragraphs 14, 26 and 30 and to ensure that they meet the test of precision and are enforceable. We have previously sought agreement on the wording of conditions with the applicant but have been unable to conclude this discussion before the opening of the inquiry. We believe that this amendment will bring the conditions into line with best practice and make their implementation more straightforward.

2) With regards condition 9 we would request that the wording be amended to reflect the need to mitigate the impact of the scheme on the Swing Bridge over the Sheepwash Channel, Oxford. We note that extensive discussions have taken place between the Chiltern Railways, Oxford Preservation Trust and English Heritage regarding potential conservation works to the bridge. Whilst not wanting to pre-empt the outcome of these discussions we believe that it would be beneficial for a suitably worded condition to be applied to secure conservation works to the swing bridge.

We also understand that the County Archaeological Service have concerns regarding condition 8 relating to treatment of a specific section of the project between Wendlebury Road and Langford Lane. I have therefore referred to their submission regarding this matter.

Yours sincerely

David Radford
Archaeologist
Oxford City Council

Enclosed: Written submission to the Evergreen TWA Inquiry regarding archaeological conditions by Oxford City Council Heritage and Specialist Services Team.

Cc Richard Oram, Oxfordshire County Archaeological Service
Cc Ian Gilder, ERM

**WRITTEN SUBMISSION TO THE EVERGREEN TWA INQUIRY
REGARDING ARCHAEOLOGICAL CONDITIONS
BY OXFORD CITY COUNCIL
HERITAGE AND SPECIALIST SERVICES TEAM**

**RE: THE CHILTERN RAILWAYS (BICESTER TO OXFORD
IMPROVEMENTS) ORDER**

To the Programme Officer,

1. I am writing to request amendments to the wording of the archaeological conditions proposed for this scheme by Chiltern Railways. The requested wording is set out in the attached annex A.
2. It is recommended that submitted conditions 8 and 9 are strengthened to include a mechanism to secure implementation in line with advice in *Circular 11/95: The Use of Conditions in Planning Permissions* paragraphs, 14, 26 and 30.
3. The proposed scheme will have a detrimental impact on the setting of the Rewley Abbey Stream Swing Bridge, a Scheduled Ancient Monument, although the impact will be less than substantial harm. The widening of the bridge will lead to an encroachment into the turning area of the swing bridge and will alter the visual relationship between what were originally two competing railway lines run by different railway companies, by introducing an overhang on the Sheepwash Bridge. The scheme will involve alterations to the path and fencing around the monument. It would therefore be appropriate to attach a condition for the mitigation of any impact in line with the advice set out in PPS5. We also believe that it would be beneficial for condition 9 to be amended in order to reflect previous discussions with the applicant regarding the conservation and enhancement of the railway swing bridge across the Sheepwash Channel, a Scheduled Ancient Monument.
4. It is my understanding that amended wording to the second part of Condition 8 is being requested by the County Archaeological Service. I would therefore refer you to their submission regarding this matter.
5. As you will be aware Planning Policy Statement 5 (Planning for the Historic environment) policy HE7.4 requires that local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets. Policy HE12.3 states that where the loss of the whole or a material part of a heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the heritage asset before it is lost, using planning conditions or obligations as appropriate. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Policy HE9.4 states that where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm the local planning authority should weigh up the public benefit of the proposal, (for example that it helps to secure the optimum viable use of the heritage asset in the interests of its long term conservation) against the harm".

Yours Sincerely

David Radford
Archaeologist
Oxford City Council

OBJ109/3W

ANNEX A

Conditions 8 Archaeology- Amended wording requested

“The development shall not commence in respect of an Individual Section until a Written Scheme for the Investigation (WSI) of archaeological potential within that Section has been submitted to and approved by the local planning authority and a programme of evaluation, recording and mitigation implemented in accordance with the agreed scheme. The WSI shall provide for a programme of further detailed walk-over surveys and document study of the route within the relevant limits; non-intrusive and intrusive investigation before construction is commenced in any location where this is necessary; protection of remains, where these are to remain in-situ; watching briefs during construction, where these are necessary; the photographic recording of structures, in particular the Mill Stream and Cherwell viaducts; preservation of finds and publication of the results of the investigation.”

For the recommended wording for part two of this condition please refer to the submission by the County Archaeological Service.

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

Condition 9 Protection and Enhancement of the Swing Bridge at Sheepwash Channel- Amended wording requested

“No development shall commence on the Railway Bridge across the Sheepwash Channel (or Rewley Abbey Stream) until a programme of works to mitigate the impact of the proposed development on the Swing Bridge at Rewley Abbey Stream (also known as the Sheepwash Channel), which is a Scheduled Ancient Monument, has been submitted to and approved by the local planning authority, in consultation with the Oxford Preservation Trust. The development shall only take place in accordance with the approved programme of works.

Reason: to ensure the protection of the bridge during construction and to assist in the conservation of the Swing Bridge.”