

Local Planning Authority technical experts comments for the inspector as presented at the Conditions session by David Periam, Oxfordshire County Council Planning Development Manager – 19th April 2024

Suggested amalgamation of wording of conditions 12 and 13:

Prior to the commencement of construction in each part of the development, a detailed biodiversity mitigation and enhancement strategy shall be submitted to and approved in writing by the County Planning Authority. The strategy shall be based on the mitigation measures set out within the Environmental Statement Volume 1 Chapter 9 Biodiversity. If the baseline protected species data is over two years old or in the case of a badger survey when it is over six months old then the surveys will be updated and used to inform the detailed biodiversity mitigation and enhancement strategy.

Condition 15, EHO comment:

As per comments to Planning in memo dated 6 December 2021, a groundwater risk assessment was planned to be undertaken to better assess the level of metals contamination, and I recommended that hydrocarbons should also be measured given the identified potential areas of contamination, as stated in the Phase I report. Limited gas monitoring was undertaken and given the potential risk to workers in enclosed spaces, further gas monitoring was required to establish worse-case scenario for the site. Where unacceptable risks were identified, a Remediation Method Statement (RMS) would then outline what measures are required to sever these contaminated linkages. Following approval of the RMS by the LPA, the remedial measures would be expected to be followed as per the report, with a verification report to follow outlining exactly what measures were completed and that all identified contaminant linkages were severed.

Conditions 29 and 30, County Archaeology Officer comment:

The two conditions for archaeology refer to two separate parts of the archaeological mitigation, which are often undertaken years apart.

Condition 29 requires that an archaeological written scheme of investigation (WSI) is agreed in writing before any development is undertaken as this is the document that will set out where further archaeological recording is required. As such this is important that it is understood by the developer in advance of any development being undertaken.

It is important that archaeological work is undertaken by an appropriately qualified and experienced specialist and as such it is essential that this WSI must be produced by a professional archaeological company with experience of undertaking such works.

Archaeology is a very broad discipline and there are professional archaeological companies who would not have any previous experience of undertaking such work such as geophysical survey specialist and scientific analysis specialists. As such it

has been standard to add that they need to be acceptable to the local planning authority to ensure that they are suitably experienced.

Once the WSI has been agreed the applicant will apply to discharge the pre-commencement condition. The required work itself however would have not been undertaken or completed at this stage. The second condition requires that the work set out in the WSI is undertaken and that a report for publication and a physical and useable archive has been deposited with a museum.

This is to ensure that the results of the work are published and the material available for any reanalysis in order to deliver the public benefit required to mitigate the loss of these archaeological deposits. This post excavation work and publication can often take a number of years to complete and there have been issues securing this nationally once the developer has had any archaeological conditions cleared. There have also been issues securing this through enforcement where a single archaeological condition has already been cleared.

In order to ensure that the work is completed as set out in the NPPF we advise these two conditions so that the final publication and archiving of the results of the excavation which will only be finalised a number of years after the final fieldwork has been signed off so that these matters are fully secured to deliver the public benefit from this mitigation.