

South Oxfordshire Local Plan 2034

Publication Version

Representation Form

Please return by 5pm on Monday 18 February 2019 to: Planning Policy, South Oxfordshire District Council, 135 Eastern Avenue, Milton Park, Milton, Abingdon, OX14 4SB or email it to planning.policy@southoxon.gov.uk

This form has two parts:

Part A – contact details

Part B – your comments / participation at oral examination

Part A

Are you responding as an: (please tick)

Agent

Business or organisation

Individual

Due to the plan-making process including an independent examination, a name and contact details are required for your comments to be considered. If you are acting on behalf of another organisation, please provide their details in column one and your company name and contact details in column two.

	1. Personal Details	2. Agent Details (if applicable)
Title	Mrs	
Full Name	Helen	
Job Title (where relevant)	Marshall	
Organisation (where relevant)	CPRE OXFORDSHIRE	
Address Line 1	20 High Street	
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Part B – Please use a separate sheet for each representation

For comments on the Local Plan, please provide the paragraph or policy to which your comments relates.

If you wish to comment on one of the evidence documents or the policies maps, please state the document title as well as the paragraph or policy reference.

Document / Policy / Paragraph:

ENV 9 Archaeology & Scheduled Monuments

Do you consider the Local Plan and supporting documents:

(1) are legally compliant

Yes

No

Don't know

(2) are sound

Yes

No

Don't know

(3) comply with the Duty to Cooperate

Yes

No

Don't know

Please provide further information in relation to the previous question. e.g. why you do or do not consider the Local Plan to be legally compliant or sound.

(SEE ALSO RESPONSES TO ENV 6-8 AND ENV10)

Policies ENV6 to ENV10 are in general **positively planned** with a good range of aspirations to conserve and enhance the historic environment, but in detail have some shortcomings and no commitment to a delivery framework for the partnership working that is laudably envisaged.

As drafted, these policies are unlikely to be as **effective** as they should be unless the parameters for informed decision-making judging the planning balance and delivering positive outcomes and effective reduction or offsetting of harm are much more clearly stated as applying generally to all heritage assets. As it stands, the draft is extremely repetitive and seeks to paraphrase NPPF in a way that is incomplete and or introduces misleading emphasis to issues where judgments are more subtly nuanced when the full NPPF tests are applied. A very much simpler reference to national policy would serve very much better and make the policies more concise AND more explicitly consistent with NPPF simply by virtue of NOT repeatedly trying (inaccurately) to paraphrase it.

At present the NPPF policies on the historic environment are repeated for different types of assets but to different extents and not in a fully consistent way. The effect is to apply NPPF in an inconsistent manner depending on the type of asset.

The most obvious discrepancy is in the very partial application of requirements for recording of assets to mitigate harm, which apart from only being partially applied is in any case not fully compliant with NPPF

Taken together policies ENV6-10 while appearing to be quite thorough in fact leave gaps and loopholes that make them not fully compliant with national policy or likely to be as effective in achieving the worthy objectives they aspire to as they should be.

Please set out any modifications you consider necessary to make the Local Plan legally compliant or sound, having regard to your comments above. (NB - any non-compliance with the duty to co-operate is incapable of modification at examination).

It will be helpful if you could put forward your suggested wording of any policy or text as precisely as possible.

The fairly extensive revisions proposed below retain the structure of the policies but have restructured the content in several cases to avoid repetition while also adding detailed points to plug gaps, clarify the issues and improve grammar etc. It has drawn heavily on the revised policy agreed between Historic England, CPRE and West Oxfordshire District Council in respect of the WODC Local Plan Examination, which started with a draft with almost identical wording to SODC.

Following the same principles, ENV6 is made more comprehensive in reflecting the principles of decision-making across all types of heritage asset in line with and closely reflecting NPPF, but without repeatedly paraphrasing the details of balancing heritage significance and harm with other public benefits.

The asset-specific policies refer back to ENV6 for this, but retain some comments especially pertinent to the asset type.

Overall, without adding length the proposed changes would result in a more comprehensive clearer and better constructed set of policies for this topic.

Amend as follows (~~deletions~~ bold strikethrough insertions bold underlined):

Policy ENV9: Archaeology and Scheduled Monuments

Development must protect the site and setting of Scheduled Monuments or nationally important designated or undesignated archaeological remains. . The general principles of assessment, decision-making, investigation and recording as set out in ENV6 apply. This includes the need to take into account to possible existence of and/or greater significance of archaeological remains that are not yet identified or fully understood.

Applicants will be expected to undertake an assessment of appropriate detail to determine whether the development site is known to, or is likely to, contain archaeological remains. Proposals must show the development proposals have had regard to any such remains or the potential existence of significant deposits.

Where the assessment indicates archaeological remains or potential for significant deposits on the site, and development could disturb or adversely affect archaeological remains and/or their setting (including for example to potential impact of dewatering adjacent waterlogged deposits), applicants will be expected to:

- i) submit an appropriate archaeological desk-based assessment; or*
- ii) undertake a field evaluation (conducted by a suitably qualified, ~~and~~ archaeological organisation), where necessary.*

Nationally important archaeological remains (whether scheduled or demonstrably of equivalent significance) should be preserved in situ. Non-designated archaeological sites or deposits of significance equal to that of a nationally important monument will be assessed as though those sites or deposits are designated.

~~*Where a proposed development will lead to substantial harm to or total loss of significance of such remains consent will only be permitted where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.*~~

~~*Where a development proposal will lead to less than substantial harm to the significance of such remains, this harm will be weighed against the public benefits of the proposal.*~~

For other archaeological remains, the effect of a development proposal on the significance of the remains, either directly or indirectly, will be taken into account in determining the application.

Where loss of evidence cannot be avoided (or its loss is justifiable in the interest of other, overriding public interest benefits, the loss should be:

I minimised through careful design, including: modifying building footprints; the use of appropriate construction methods and temporary works; avoiding damaging landscaping proposals; seeking engineering design solutions; and

It mitigated by a programme of archaeological investigation, analysis, publication and retention of archives and objects as set out in ENV6 should be applied. For the avoidance of doubt, the ability to mitigate loss of significance in this way will not contribute to the balancing judgement of whether such a loss is justifiable under this policy.

~~exceptional cases, where harm to or loss of significance to the asset is considered to be justified, the harm should be minimised, and mitigated by a programme of archaeological investigation, including excavation, recording and analysis. Planning permission will not be granted until this programme has been submitted to, and approved by, the local planning authority, and development should not commence until these works have been satisfactorily undertaken by an appropriately qualified organisation. The results and analysis of findings subsequent to the investigation should be published and made available to the relevant local and county authorities.~~

This policy contributes towards achieving objectives 5 & 7.

(Continue on page 4 if necessary)

Would you like to participate at the oral part of the examination, which takes place as part of the examination process? *

Yes

No

* **Please note:** the inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the public hearing.

Signature:

(this can be electronic)

Date:

15.2.19

Sharing your personal details

All comments will be submitted in full to the Secretary of State alongside a submission version of the Local Plan. The Secretary of State will appoint an independent planning inspector, who will carry out an examination of the plan.

Your name, contact details and comments will also be shared with the planning inspector and a programme officer, who will act as a point of contact between the council, inspector and respondents. This means that you will be contacted by the programme officer (and where necessary the council) with updates on the Local Plan. This is required by Regulation 22 of

the Town and Country Planning (Local Planning) (England) Regulations 2012 and Section 20 of the Planning and Compulsory Purchase Act 2004.

We have received assurance that the data passed to the planning inspector and programme officer will be kept securely and not used for any other purpose. The inspector and programme officer will retain the data up to six months after the plan has been adopted. South Oxfordshire District Council will hold the data for six years after the plan has been adopted.

Comments submitted by individuals will be published on our website alongside their name only. No other contact details will be published. Comments submitted by businesses and/or organisations will be published on our website including contact details. If you would like to know more about how we use and store your data, please visit www.southoxon.gov.uk/dataprotection

Future contact preferences

As explained in our data protection statement, in line with statutory regulations you will be contacted by the programme officer (and where necessary the council) with relevant updates on the Local Plan. South Oxfordshire and Vale of White Horse District Councils have a shared planning policy database. If you would like to be added to our database to receive updates on other planning policy consultations, please tick the relevant district box(es):

- I would like to be added to the database to receive planning policy updates for South Oxfordshire
- I would also like to be added to the database to receive planning policy updates for Vale of White Horse

Further comment: Please use this space to provide further comment on the relevant questions in this form. **You must state which question your comment relates to.**

Alternative formats of this form are available on request. Please email planning.policy@southoxon.gov.uk or call 01235 422600 (Text phone users add 18001 before you dial).

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