

## Annex 2

### E-mails from agent dated 20<sup>th</sup> and 21<sup>st</sup> June 2022

#### *Method defined to control water quality*

This refers to the email from Lawrence Brown from Hafren which states '*No other work has been completed as we were awaiting the results of your consultation with siltbusters and an update on the working plan for the quarry*'. The siltbuster will be used to control water quality.

#### *Jonathan Adey*

The ecologist survey relates to the new conveyor route. I have referred to this attachment in my email below.

#### *John Curtis*

I am unable to provide you with correspondence of this meeting.

#### *OCC Planning Portal*

Subject to redaction, I can agree to adding these emails and attachments onto the OCC Planning Portal.

Kind regards,

Nick.

Dear David,

As discussed, I am writing to provide an update with Tuckwells' progress with the ROMP Application.

I have attached updates from some of the consultants working on the ROMP Application and Environmental Statement.

This includes:

- Draft Cultural Heritage Chapter produced by Oxfordshire Archaeology (front cover attached);
- Noise modelling undertaken to define the plant to be used and the position and height of screen bunds (see attached). The completion of this modelling has allowed draft Development Plans to be progressed;
- Production of draft Application and Development Plans (see attached);
- Groundwater sampling completed;
- Method defined to control water quality (see attached); and
- Meeting held with John Curtis & Sons Ltd and Ecologist Jonathan Adey to agree a strategy for the restoration of the previously worked ROMP Areas. This will form part of the ROMP Application. It was understood from this meeting that John Curtis & Sons Ltd are seeking to progress a planning application to retain existing, and to create further, employment opportunities at the industrial estate.

It was hoped to have the ROMP Application submitted in spring-summer 2022. As stated at several Planning & Regulation Committees, a precise deadline for the

submission of the ROMP Application cannot be provided. This is because the creation of an acceptable Development Proposal is an iterative process to establish deliverable design and working procedures within acceptable and controllable environmental impacts.

Following a topographical survey, it has been necessary to relocate the conveyor route and access road to avoid the large mound known as the 'Somme' and mature trees. As a result, the revised routes are being surveyed by an ecologist which is ongoing (**see attachment**). This will be completed in September/October. Tuckwells' are therefore aiming to have the ROMP Application submitted in early 2023.

In considering how best to advise the Planning & Regulation Committee, I respectfully request that you consider the following past chain of events:

- This is the second attempt at serve a PO. This first was quashed in 2014 by the Secretary of State who also awarded full costs against OCC;
- The current decision to serve a PO was made at the meeting in September 2019. At this time, tangible evidence of Tuckwells' ongoing works was submitted by Douglas Symes who was acting for John Curtis & Son's Ltd. I understand that Douglas provided this evidence in writing and presented it at the Planning & Regulation. This evidence was disregarded, and PO was supported, even though the recommendation was based on conjecture without any objective supporting evidence;
- Douglas Symes provided further evidence to the Planning & Regulation Committee in January 2020. This was also disregarded and the decision to progress with the PO was again made without any objective supporting evidence;
- The Planning & Regulation Committees' arguments for progressing with the PO were reviewed, in May 2020, by legal Counsel whose formal Legal Opinion confirmed that the PO could not be sustained if put to the Secretary of State at another inquiry;
- In March 2021, the Planning & Regulation Committees' justification for continuing with the PO was to allow Planning Application Ref: MW.0075/20 to be determined. This argument was flawed, as the ROMP could be worked without Tuckwells' yard. Consent for Planning Applications Ref: MW.0075/20 has now been granted;
- I spoke at the March 2021 Planning & Regulation Committee requesting that the PO should be quashed. The case presented was that sufficient evidence supported by Counsel had already been provided, while there was no evidential basis to support the PO. I also highlighted that delaying a decision was 'kicking the can down the road' at the expense of creating more ongoing uncertainty and costs for Tuckwells;
- Regardless of the extensive evidence provided at the March 2021 Planning & Regulation Committee, a decision was made not to quash the PO;
- In September 2021, the Planning Officer recommended revoking the PO. It was clear from this Committee Report that your Planning Officer and OCC's legal advisors recognised that the key legal test to quash the Prohibition Order had been met. i.e. 'evidence of a genuine intention to extract minerals for the ROMP' had been provided. The Planning Officers report included a summary of a Legal Opinion sought by OCC which did not support a full or

partial PO and recognised that the Secretary of State would almost certainly refuse to confirm the PO. This Legal Opinion echoes that sought by Tuckwells which had been provided to OCC; and

- Regardless of the Planning Officer's recommendation (as supported by two Legal Opinions), the Planning & Regulation Committee resolved to defer a decision to July 2022. This decision, yet again, clearly ignored the evidence provided by Tuckwells and the two Legal Opinions and was made without any objective supporting evidence.

This chain of events had resulted in nearly 3 years of uncertainty and extra costs for Tuckwells, at a time when they have been making significant financial investments in the ROMP. Tuckwells' stance continues to be that they have clearly demonstrated that significant financial investments has, and continues to be, been made in the ROMP Area. This is costing 10s of thousands of pounds on top of the £35,000 plus spent on Planning Permission Ref: MW.0075/20. Considering the extensive cost and extent of the detailed evidence that Tuckwells have provided to date, when compared against the complete lack of tangible evidence to support the PO, Tuckwells are of the opinion that OCC are acting unreasonably in pursuing the PO.

Tuckwells therefore respectfully request that OCC end this ongoing uncertainty and unnecessary costs and make an evidence-based decision, as supported by two Legal Opinions, to quash the PO.

Once you have had time to consider this email, and your likely recommendation, I would welcome an update.

#### Draft Application and Development Plans

Hello Nick,

Here is a summary of the plans that I have produced so far since June 2021, as requested:

757-01-01 – Location Plan (Draft 1, to 19-05-2022).

757-01-02 – Site Plan (Draft 2, to 06-06-2022).

757-01-03 – As Existing / Topographical Survey (Draft 2, to 07-06-2022).

757-01-04 – Boundary Plan (Draft 2, to 07-06-2022).

757-01-05 – Site Context (Draft 2, to 07-06-2022).

757-01-06 – Illustrative Composite Working Scheme / Phasing Plan (Draft 2, to 07-06-2022).

757-01-07 – Illustrative Working Scheme – Phase A (Draft 2, to 07-06-2022).

757-01-08 – Illustrative Working Scheme – Phase B1 (Draft 1, to 20-05-2022).

757-01-09 – Illustrative Working Scheme – Phase B2 (Draft 1, to 20-05-2022).

757-01-10 – Illustrative Working Scheme – Phase C (Draft 1, to 20-05-2022).

757-01-11 – Conveyor / Internal Haul Road (Draft 1, to 20-05-2022).

757-01-13 – Illustrative Cross Sections – As Existing (Draft 1, to 07-06-2022).

Earlier drafts of Plans 757-01-06 to -11 were also produced between the 6<sup>th</sup> and 16<sup>th</sup> May 2022, using my old file numbering.

In addition, a new Ordnance Survey 1:2,500 base plan was purchased on 27-04-2022 for the latest series of drawings, replacing the obsolete OS base that was used on the drawings produced up to 2021.

Plan Numbers 757-01-12 (updated Restoration Scheme), and 757-01-14 (Illustrative Cross Sections – Proposed) are in preparation and will be finished shortly. Please see my email of Wednesday 08-06-2022 regarding the latter.

Let me know if you have any queries on any of the above.

All the best,

Clive.

#### Groundwater quality monitoring

Nick

Groundwater quality monitoring in the sand and gravel deposit was completed in December 2021. The monitoring focussed on an assessment of various dissolved metals that had concentrations that exceeded the relevant Environmental quality standards for freshwater surface water.

Comments were made on the data and these were submitted on 1<sup>st</sup> December 2021.

No other work has been completed as we were awaiting the results of your consultation with siltbusters and an update on the working plan for the quarry.

Regards

Lawrence

#### Noise modelling

Hello Nick,

Since the previous update in June 2021, the following work has been completed:

Baseline noise surveys/analysis plus initial site noise calculations in July 2021; Calculations relating to site noise and potential bunding, diagram of required bunding and investigation of mitigation measures in February 2022; and Sound Power Level research and data sourcing plus additional site noise calculations and advice in March /April 2022.

If you require any further information, please contact me or Rachel.

Regards,  
Robert

## Ecological surveys

Hi Nick,

We have undertaken a single breeding bird survey of the new conveyor route and another one is due in June/July. An updated botanical survey has also been undertaken along with an eDNA test for GCNs (May 2022).

In addition to the above, a single breeding bird survey has also been undertaken in the PFA site along with a single bat transect and deployment of static bat boxes. Another breeding bird survey is planned shortly as are further static bat boxes deployments and transects.

Kind regards,

Jonathan

Hi Nick.

Ecology Work on the Thrupp Quarry ROMP undertaken so far is as follows:

- Phase 1 habitat survey (2018)
- Breeding bird surveys x 2 (2021)
- Wintering bird survey x 2 (2020 & 2021)
- Botanical surveys (2018/2020)
- Invertebrate surveys x 3 (2021)
- Bat surveys (transects and static boxes) (2021)
- Badger & harvest mouse surveys (2020/21)

Further to these, eDNA analysis for GCNs have also been undertaken on 6 waterbodies in 2021 and in 2022.

An extended phase 1 habitat survey report with a summary of a data search was also produced in 2018.

I hope the above is sufficient for your requirements.

Kind regards,

Jonathan

Copy of the front cover to a chapter of the Environmental Impact Assessment for  
“Written Scheme of Investigation” (archaeology)



**Thrupp Farm Romp, Radley,  
Oxfordshire**  
Written Scheme of Investigation  
Environmental Impact Assessment Chapter

June 2022  
Client: H Tuckwell & Sons  
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