

Annex 2

As requested, I am writing to provide you with an update with the Thrupp Farm ROMP Planning Application and Environmental Statement (ES).

The works undertaken since August 2020 include::

- Winter Bird Survey (see attached update report from A D Ecology);
- Winter- Piezometers installed & water quality sampling started (see attached update report from Hafren Water); and
- Groundwater monitoring (see attached update report from BCL Hydro).

Please note that these are the exact actions the Applicant committed to undertaking at the August Planning Committee.

You will also note that J. Curtis & Son's Ltd won an Appeal for the use of the yard which was associated with the ROMP.

The timetable to have the Planning Application and ES submitted, continues to be follows:

- February- March 2021 costs for ROMP / EIA established;
- 2021- EIA investigations surveys undertaken including- ecological, noise, hydrological, landscape and visibility surveys;
- Winter 2021 to Spring 2022: ROMP Application and Environmental Statement prepared;
- Spring 2022: Pre-submission consultation held for the ROMP Application; and
- Spring-Summer 2022- ROMP Application (Including ES) submitted.

You will note that even after the unprecedented conditions of two further lock downs and flooding at this site, the Applicant is still on track to meet the 2022 submission date, as per my previous correspondence.

Tuckwells have also been working towards the determination of Planning Application Ref: MW.0075/20 to allow the mineral from the Thrupp Lane ROMP to be transported and processed at Tuckwells site at Thrupp Lane. This included seeking a 'Screening Request' from Secretary of State which supported Tuckwells' position that an EIA was not required. The determination of this application has been delayed, as further clarification on ecology is required, which requires extra spring/summer surveys to progress. Ecologist J. Adey has been instructed to undertake these surveys. As per the comments below, you will note that the favourable determination of this Planning Application is not required for the mineral in the ROMP to be worked. It is simply the environmentally preferable option.

I also note that the Planning Application to extend Sutton Wick Quarry into Oday Area 1, was submitted in October 2020. This application will hopefully be favourably determined in Spring 2021 which will give the quarry 12 months of extra reserves. I am also working on a Planning Application to extend this quarry further, which I nominated in 2020 for allocation in the Oxfordshire Minerals and Waste Local Plan

Part 2 Site Allocations. I am hoping that a Planning Application for the nominated areas will be submitted in late 2021 early 2022. This will provide Tuckwells with sufficient mineral while the ROMP Application is being determined.

In considering how best to advise the Planning Committee in considering pursuing the Prohibition Order (PO), I would respectfully request that you consider the following past chain of events:

- This is the second attempt to 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, I provided tangible evidence of my ongoing works to Douglas Symes who was acting for J. Curtis & Son's Ltd. I understand that Douglas provided this evidence in writing and presented it at Planning Committee. This evidence was disregarded. In contrast, the Prohibition Order was supported even though the recommendation was based on conjecture without any objective supporting evidence;
- Douglas Symes provided further evidence to your committee in January 2020. This was also disregarded and the decision to progress with the PO was again made without any objective supporting evidence;
- OCC's arguments for progressing with the PO were assessed in May 2020 by legal Counsel whose formal Opinion confirms that the Prohibition Order could not be sustained if put to the Secretary of State at another inquiry;
- In September 2021, part of your justification for continuing with the PO was to allow Planning Application Ref: MW.0075/20 to be determined. This argument is flawed, as the ROMP can be worked without Tuckwells yard. The use of this yard is simply an environmentally preferable option to using the existing road access and yard arrangements. As a result, the determination of Planning Application Ref: MW.0075/20 is not material to the ROMP, although it does show a genuine intention to extract minerals for the ROMP Area (as recognised by the Inspector in 2014);
- I spoke at the September 2020 Planning Committee requesting that 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 until March 2021 was *'kicking the can down the road'* at the expense of creating more ongoing uncertainty and costs for Curtis and Tuckwells; and
- Regardless of the extensive evidence provided before September 2020 Planning Committee, a decision was made not to rescind the PO. At Tuckwells' further expenses, this has resulted in this email and update reports providing, again, evidence of the works to date towards the ROMP Application.

The evidence Tuckwells has provided to date clearly demonstrates that significant financial investments have, and continue to be, made in the ROMP Area. This has cost 10s of thousands of pounds on top of the £35,000 plus spent on Planning Application Ref: MW.0075/20 to date. This investment has been made at a time when there is a significant economic downturn caused by the ongoing pandemic which may take many years to remedy.

As a Mineral Planning Authority (MPA) you have a duty to support sustainable mineral development and ensure a sufficient supply of aggregate in your County. This is what is being proposed at the Thrupp Lane ROMP by one of Oxfordshire's oldest family run mineral companies.

To achieve sustainable mineral development the MPA must work with and not against the Mineral Industry. In light of the positive planning approach required throughout the NPPF (2019) any further decision to continue with the PO must, to be reasonable and therefore necessary, be based on tangible evidence.

In light of the extensive cost and extent of the detailed evidence Tuckwells have provided to date, when compared against the complete lack of tangible evidence to support the PO, the Applicant is of the opinion that OCC would not be acting reasonably by continuing to pursue the PO.

I therefore respectfully request that you support Tuckwells' and the sustainable supply of minerals from a site that already has planning permission, by ending this ongoing uncertainty and unnecessary costs and make an evidence based decision to quash the PO.

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

Annex 3

The following is an up-date of what has been undertaken to date on the above as requested and what additional surveys were proposed and have now been commissioned:

August 2018 - A phase 1 habitat survey and report was undertaken that aimed to:

- *Identify designated sites covering the study area or within the local landscape;*
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- *Identify and evaluate the existing habitats on-site;*
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- *Identify actual or potential presence of protected species;*
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- *Establish important ecological receptors associated with the core study area that will require detailed assessment;*
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- *Establish the need for further, detailed Phase 2 ecological surveys; and*
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- *Define the ecological assessment process.*

This survey identified potential receptors, their level of importance (within the wider context as well as on site) and the need for more comprehensive survey work, which included:

- *One non-statutory locally designated nature conservation sites partially covering the core study area. Important in a County context.*
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- *Botany. **Further survey required to establish baseline**, to allow evaluation and to allow assessment of impact.*
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- *New Zealand pigmyweed. Invasive plant important in a Local context.*
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- *Invertebrates. Further survey required to establish baseline, to allow evaluation and to allow assessment of impact.*
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- *Great crested newt. Important in a Local (District) context. **Further information required to establish baseline** and to allow assessment of impact.*
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- *Grass snake. Important in a Local context.*
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- *Breeding birds. **Further survey required to establish baseline**, to allow evaluation and to allow assessment of impact.*
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- *Wintering birds. **Further survey required to establish baseline, to allow evaluation and to allow assessment of impact.***
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- *Bats (foraging/commuting). **Further survey required to establish baseline, to allow evaluation and to allow assessment of impact.***
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- *Harvest mouse. **Further survey required to establish baseline, to allow evaluation and to allow assessment of impact.***
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- *Water vole. Important in a Local (District) context. Located in habitats outside the core study area.*
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- *Otter. Important in a Local (District) context.*

The following Phase 2 survey methodologies associated with the above were recommended within this report in order to fully understand the extent of potential impacts.

Higher plants

A botanical survey of habitats directly affected (e.g. removed/covered) or likely to be indirectly affected (e.g. dust blanketing, water drawdown) will be undertaken. A botanical survey of each different habitat present within the core study area and immediate surrounding environs recoding (1) species presence and (2) species abundance using the DAFOR scale. The botanical survey will include two visits once in early summer (e.g. May/June) and once in late-summer (e.g. July/August).

Invertebrates

The study area, particularly Area C, supports habitats with the potential to support notable (rare/scarce) terrestrial invertebrate species.

A detailed survey of terrestrial invertebrates within the study area and surrounding environs will be undertaken focusing on Lepidoptera (butterflies and moths), Orthoptera (crickets and grasshoppers), Hymenoptera (ants, bees, sawflies and wasps), Odonata (Dragonflies and damselflies), Coleoptera (beetles and weevils) and Diptera (true-flies).

The survey will consist of three visits, once in May, the second in late June/July and the third in August/September to cover a full season. The following survey methods will be used and deployed in favourable weather conditions:

- Water traps – yellow (a colour known to attract a wide variety of nectaring invertebrates) bowls placed in suitable locations within suitable habitat. Each bowl will contain water with a drop of detergent/glycol to prevent insects from escaping/decaying.
- Sweep netting – using a rigid net to sweep through vegetation to collect ‘resting’ invertebrates.

- Beating – this will involve the use of a beating tray placed under shrubs whilst beating the branches to dislodge any invertebrates sheltering or inhabiting them.
- Pheromone lures – lure should be set up on site where the favoured food plants of clearwing moths have been identified. The lure contains pheromones which attract males.
- Netting – this will involve using a butterfly net to obtain flying specimens or those resting on flowers and foliage, which are difficult to identify through the following method.
- Direct observation – observation of individuals through visual (on the wing, caterpillar or pupae) or aural means (grasshoppers and bush crickets) whilst invertebrates are feeding, in courtship or at rest. Flight interception traps and light traps may also be used.

Great crested newt

At this stage, given the low potential for great crested newt to use habitats within the core study area, it is not intended to undertake surveys of surrounding ponds/waterbodies. However, more detailed information relating to location of TVERC records of great crested newt breeding populations will be sought to underpin the assessment process. This has now been undertaken and **eDNA surveys** have been commissioned for each waterbody on site.

Breeding birds

Two breeding and foraging bird surveys using the British Trust for Ornithology (BTO) Breeding Bird Survey (BBS) methodology (www.bto.org) will be undertaken, which involves a walked transect survey around and through the core study area. The survey visits will be undertaken once in late spring/early summer (e.g. April) and once in mid-summer (e.g. late May/early June).

All birds observed or heard displaying breeding or territorial behaviour will be identified and recorded according to prescribed 'species' and 'breeding status' codes established by The British Trust for Ornithology for use as part of the Breeding Bird Atlas survey methodology. Bird foraging and other activity would also be noted during the survey.

Wintering birds

Two wintering bird surveys using the basic bird census method (modified National and County Bird Atlas methodology) will be undertaken, which will involve a walked transect survey around and through the core study area covering fields and bordering habitat. The survey visits will be undertaken once in early winter (November to December) and one in late winter (January-February).

All birds observed or heard will be identified and recorded (including numbers and activity).

Bats

Bat activity and foraging surveys will be undertaken encompassing the core study area. The survey will employ two techniques: walked transects and static bat detectors.

Walked Transects

1. Walked transect bat detector surveys will be undertaken to record foraging and commuting activity between May and September, inclusive. This survey period corresponds to the core active season for bats and spans the months in which bats rear their young. The surveys will be timed to provide a sample of activity through this important period in the bats' annual life-cycle.
2. The core study area will be covered by an appropriate number of transect routes to cover all habitats, and will be surveyed simultaneously.
3. The surveys will cover the period of peak activity for bats at dusk, and one visit will include a pre-dawn survey. The dusk surveys will be undertaken from sunset and will be 2-3 hours in duration.
4. The start positions of transects will be varied to sample different parts of the site at varying times after sunset during each survey.
5. Bat activity will be recorded on appropriate hand held bat detectors, which can record ultrasonic sounds of the bats and log the time and location of each bat calls.

Static Automated Bat Detectors

1. Remote, automated bat detector recording units (termed 'data loggers') will be deployed to monitor the site for rare or uncommon species and capture baseline information on the bat species assemblage and level of activity.
2. An appropriate number of data loggers will be deployed each month covering different habitats types or locations within the core study area. Each data logger unit will be programmed to be active each night between dusk and dawn.

Harvest mouse

A survey of potentially suitable for harvest mouse nests within the interior grassland of the core study area (Areas A and B) undertaken during the months of October, November or December. The survey will follow standard survey methods established by The Mammal Society and The Wildlife Trusts. A series of transects, each ca. 2m wide and a minimum of 100m in length, will be walked across the interior grassland.

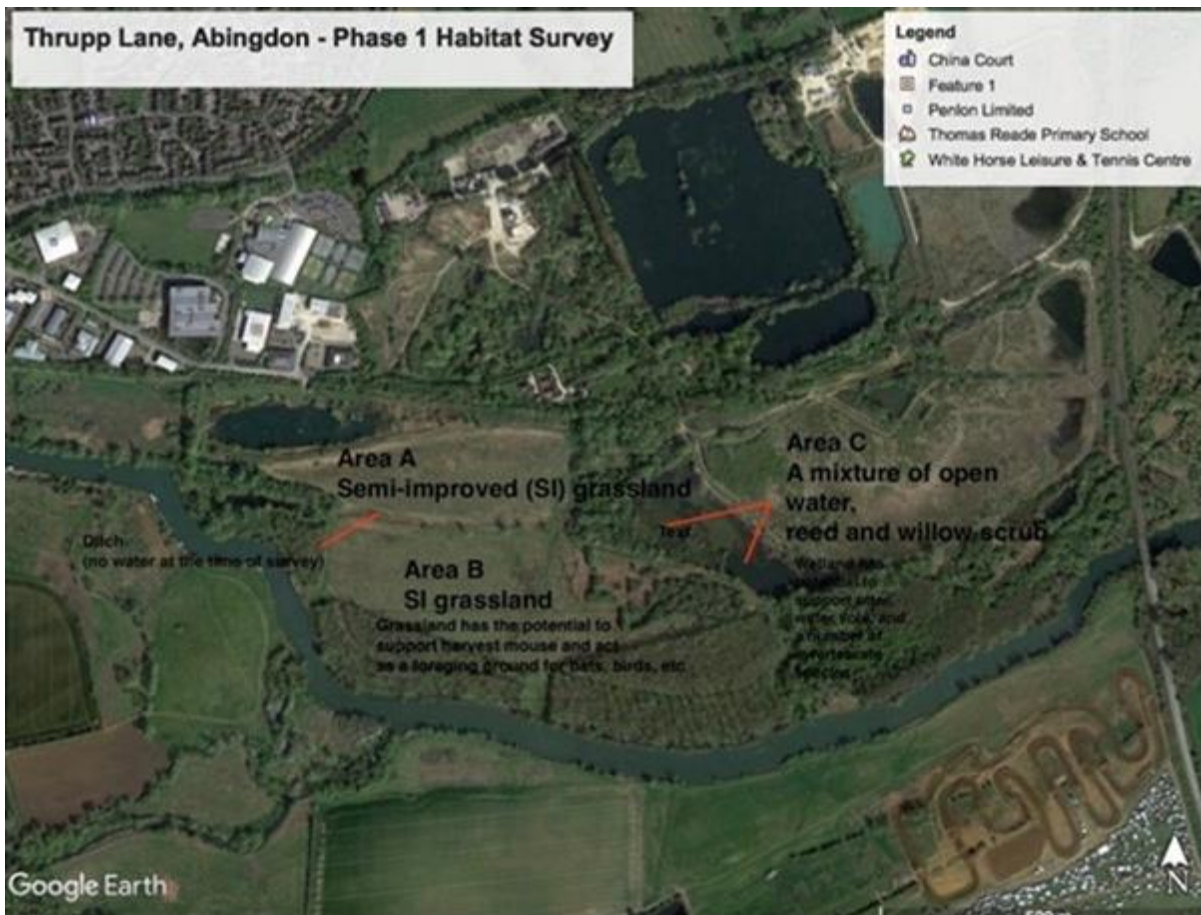
Each transect will be divided into 10m lengths. Each 10m length will be searched for a maximum of 10 minutes to determine presence / absence of harvest mice nests. Nests are about the size of a tennis ball formed from tight woven leaves of coarse grasses, and are usually found at least 30cm above ground.

Otter & water vole

An detailed inspection of Area C will be undertaken to assess its potential use by both of these species. For otter, this can be undertaken at any time of year. However, Water vole surveys are generally undertaken when adults are territorial and prior to the development of a dense marginal vegetation. (March, April and May) or when vegetation has died back in September/October. Depending on the findings of an initial survey, a further two surveys could be required in line with current water vole survey guidelines.

All of the above has now been commissioned and is programmed in to be undertaken in 2021 Covid restrictions permitting.

Wintering bird surveys have already been completed (2020-21). However, it is worth noting that forestry work undertaken this winter has reduced much of the western two thirds of the site to areas purely for timber storage and muddy vehicle access routes for transporting timber off site.



Annex 4

Hafren Water is a consultancy specialising in environmental water management. We routinely provide hydrogeological and hydrological input to Environmental Impact Assessments for new quarries, or extensions of existing quarries and ROMP assessments for existing sites. We have been involved with over 200 sites throughout the UK ranging from sand and gravel deposits, to hard rock quarries extracting limestone, dolomite etc.

In September 2020, Hafren Water was instructed by Tuckell & Sons Ltd. to plan and supervise the installation of an appropriate number of monitoring boreholes on the periphery of Thrupp Farm Quarry to be used to establish groundwater conditions across the site. The boreholes have been designed to allow water levels to be measured and groundwater to be sampled for chemical testing. Knowledge of groundwater quality is required due to the presence of old landfill sites in the area, which may have affected water quality. Any water discharged from the site during mineral extraction will have to meet stringent quality targets set by the Environment Agency. These tests will establish if there are any concerns regarding groundwater quality.

An initial set of samples were taken in December 2020 and a second sampling round was due in January 2021 but has been held up by flooding and COVID-19 Restrictions.

Groundwater level data collected from the new boreholes and the water quality data will form part of the background information required to establish the existing baseline conditions at the site. These conditions will be included in the Hydrogeological Impact Assessment to be completed as part of the Environmental Statement for the site.



Annex 5

BCL Consultant Hydrogeologists Limited have been instructed by Tuckwell and Sons Limited to undertake a program of groundwater monitoring at the Thrupp Farm and Odey proposed mineral extraction areas. BCL is an independent consultancy specialising in all aspects of hydrogeology and hydrology as they relate to minerals extraction, waste disposal, water supply and related industries. Monitoring is currently undertaken by Paul Burfitt (Principal Hydrogeologist). Paul holds a first degree [Geophysics (Geology)] conferred by Liverpool University, 1992 and a Master of Science Degree [Hydrogeology], Birmingham University, 1998. Paul has worked in the field of Earth Sciences since 1992 and as a Hydrogeologist since 1998. BCL commenced monitoring at the aforementioned areas in December 2020, following installation of groundwater piezometers at the Thrupp Farm site. All installed points are monitored on a monthly basis, with a view to providing baseline data for future Environmental Assessment. The monitoring program is expected to be expanded at the Odey site with inclusion of additional monitoring points in Q1 2021.