

Annex 2

As requested, I am writing to provide you with an update with H Tuckwell & Sons Ltd's progress with the Thrupp Farm ROMP Planning Application and Environmental Statement (ES).

Further to the works described in my email to you dated 9th February 2021, I have attached email updates from the consultants who are contributing towards to the Planning Application and ES. Also attached is an email from the County Archaeologist agreeing the methodology to address archaeology. I can confirm that Oxfordshire Archaeology have been instructed to produce the Cultural Heritage Chapter for the ES.

I can also confirm that the Applicant has been speaking with local residents and objector groups about the ROMP Application including the restoration of the site.

You will note that the proposed actions stated at the March Planning Committee have been undertaken, just as the actions proposed at the August 2020 Planning Committee were undertaken.

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

- Spring-Summer 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 three 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 provided you with the updated ecological information required for 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.

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 in the Officer's Report:

- 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, 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 2020, 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 and March 2021 Planning Committees 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 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 the September 2020 and March 2021 Planning Committees, a decision was made not to rescind the PO. At Tuckwells' further expenses, this has resulted in this email and further update reports providing, again, evidence of the works to date towards the ROMP Application.

Please could you also consider the following statements from the Applicant in the Officer's Report:

'The evidence Tuckwells has provided to date clearly demonstrates that significant financial investments has, and continues to be , been made in the ROMP Area. This has cost 10s of thousands of pounds on top of the £40,000 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 turbulence 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 any tangible evidence to support the PO, the Tuckwells is of the strong opinion that OCC would not be acting reasonably by continuing to pursue the PO.

Tuckwells therefore respectfully request that you support 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'.

Dust and Air quality:

Nick,

I successfully completed my site visit on Wednesday 16th June.

You provided the draft survey and draft working plans on 25th May and I am awaiting the written development description and final plans before I will be able to make progress with the dust / air quality assessment.

Many thanks

Matt Stoaling
Director
Isopleth Ltd.

Arboriculture

Dear Nick

Following our recent site visit please find attached the Arboricultural Feasibility Report for Thrupp Farm ROMP.

If we can be of further assistance please do not hesitate to contact us.

Kind regards

Rachel
CBA Trees

Archaeology

Nick

Thank you for your email.

I can agree that evaluation of the site is likely to be problematic and that although geophysical survey may be able to highlight and post alluvial deposits on the site it is less likely that it could identify any features sealed by it.

As the cultural heritage chapter is going to be produced it would be prudent to undertake this at this stage to see how much of the archaeological interest of the site

can be identified from existing data. It would also be useful for this assessment to highlight any difficulties there would be in undertaking evaluation on the site.

Any agreed mitigation would need to contain provision for the physical preservation of any nationally important monuments encountered on site which may be a slight risk to the proposed extraction but this would also be the case for mitigation following an evaluation.

Regards

Richard Oram
Lead Archaeologist

Dear Richard,

I hope you are keeping well.

I am preparing the Thrupp Farm ROMP Application on behalf of H Tuckwells & Sons Ltd. This Application seeks modern Planning Conditions to allow the mineral working to recommence.

A similar ROMP Application was made over 10 years ago, but was not determined. The Scoping Opinion and the Archaeological Assessment from this old ROMP Application are attached.

Today's ROMP is very similar, in that it seeks to extract mineral from the same area, as shown on the attached draft working scheme. I note that the soils from Phase C have already been stripped which has created a seasonal lake. I also note the attached email from the Abingdon Area Archaeological and Historical Society.

I am in the process of instructing an archaeological consultancy to produce a Cultural Heritage Chapter for the Environmental Statement. In doing so, I would welcome a discussion with you about your expectations for this Chapter and the modern Planning Conditions you will require.

From a Planning perspective, the ROMP Application is simply to agree modern Planning Conditions for a development that already has planning permission. The right to extract the mineral and therefore remove the underlying archaeology has, therefore, already been established albeit a suitably modern Planning Condition is required to evaluate and record archaeology. I have also been advised that, due to the alluvial deposits within the site, it is unlikely that an archaeological evaluation would be able to sufficiently characterise the archaeological potential of the site. I therefore suggest a Cultural Heritage Chapter which characterises the likely heritage impacts using information currently available, as well as a considering setting, which recommends mitigation in the form of the Planning Condition. Here, the methodology for assessing/recording the underlying archaeology would be agreed with you prior to the commencement of soil stripping.

I do appreciate that I am not an specialist in this field, but I have spent the last two months working with a local consultancy trying to get them to have this discussion with you. My timescale for the submission is such that I have lost patience with this consultancy and come to you directly to have this discussion while I seek an alternative.

I would therefore be grateful if you could consider my proposals and let me know a time when I can call you to discuss, preferably early next week.

Kind regards,

Nick.

Ecology

Dear Nick,

In terms of ecology for the ROMP the following has been carried out to date:

- Phase 1 habitat survey (2018)
- Winter bird survey (2020-2021)
- Great crested newt eDNA survey of 5 waterbodies in and around the ROMP area (May 2021)
- Breeding bird survey (May 2021 - one more to follow)
- Bat survey (June 2021 - two more to follow)
- Invertebrate survey (May 2021 - two more to follow)

If you need more detailed information feel free to contact me.

Kind regards,

Jonathan

Jonathan Adey

BSc(hons) MSc MCIEEM CEnv FRES

Director

Hydrogeology

Nick

A quick email to confirm that we are continuing to monitor the boreholes and undertake water sampling at Thrupp Farm and Odey. Our next visit will be due w/c 12th July.

Many thanks

Paul

Paul Burfitt.
BCL Consultant Hydrogeologists Limited.

Nick

Just to update you on work to date:

- We have visited the site to review the situation with the various surface water bodies and watercourses,
- Arranged for boreholes to be levelled in to ordnance survey datum,
- Initiated a monthly water level monitoring programme
- Initiated a monthly water quality monitoring programme and review of historical data

Regards

Lawrence

Lawrence Brown MSc FGS CGeol
Principal Hydrogeologist

Landscape

Good morning Nick,

As regards our work on this one we have taken all the necessary winter photographs and are waiting on the working plans before we start the work so we know our scope of works.

All the best,

George

George Harley BA (Hons) MA CMLI
(Principal Landscape Architect)

Noise

Hi Nick.

WBM's progress is as follows:

WBM prepared a noise survey location and assessment methodology document for review and agreement with the relevant technical officer at the planning authority. This was sent to the planning department of Oxfordshire County Council on 24 May 2021.

WBM was advised on 27 May that Oxfordshire County Council do not have a noise specialist and to contact the South Oxfordshire Environmental Protection Team instead.

WBM sent the noise survey location and assessment methodology document to the environmental protection team at South Oxfordshire and Vale of White Horse District Council on 28 May 2021.

We received a response on 18 June 2021 that the environmental health officer (Alexandra White) agrees with our proposed locations and assessment methodology.

Now that we have agreement with the relevant technical officer that our noise survey locations and assessment methodology are acceptable, we intend to carry out the baseline noise surveys in July 2021.

I trust this is sufficient for your purposes but please get back to me or Robert if you require additional details.

Regards,
Rachel

Application plans

Good morning Nick,

In response to your email of 25-06-2021, I can confirm that 'final draft' versions of the latest plans for the application were submitted to Land & Mineral Management between the 4th and 13th May 2021. The various plans were as follows:

- 95034/TF/D/1 – Development Area (Draft 1).
- 95034/TF/O/1 – Illustrative Working Scheme (Draft 2).
- 95034/TF/O/2 – Conveyor / Haul Road Route (Draft 1).
- 95034/TF/R/1 – Restoration Concept Plan (Draft 1).

I have also attached the plans here for ease of reference.

Please let me know if you have any queries or if you would like me to make any further amendments to the plans.

All the best,

Clive.

Clive Thomas
Mapping & Illustration