

NOTICE OF FULL PLANNING PERMISSION

TEST VALLEY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT, ORDERS AND REGULATIONS

To: Mr T C Fiducia
Hampshire Golf Club
Winchester Road
Andover
Hampshire SP11 7TB

Plan No. TVN.6179/8

In pursuance of its powers under the above-mentioned Act the Council, as local planning authority, hereby grants FULL PLANNING PERMISSION for the following development:

Extension to golf course providing 5 additional holes together with associated ground works

O S Parcels 3974 and 3300, Hampshire Golf Club, Romsey Road/Winchester Road, GOODWORTH CLATFORD

(Amended plans received 04.11.97)

in accordance with the plans and particulars, and any subsequent amendments set out above, submitted with the application registered on 10.09.97 and subject also to due compliance with any conditions specified hereunder:-

- 01 The development hereby permitted must be begun within a period of five years beginning with the date on which this permission is granted.
(Reason: To comply with Section 91 of the Town & Country Planning Act 1990)
- 02 The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority
(Reason: To ensure that the development is completed satisfactorily in all respects.)
- 03 No development shall take place within the application site until the applicant has secured the implementation of an archaeological watching brief programme in accordance with details which have been submitted by the applicant and approved in writing by the Local Planning Authority.
(Reason: The site is of potential archaeological significance).
- 04 No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Continuation sheet:

Plan No. TVN.6179/8

(Reason: To ensure the enhancement of the development and the appearance of the locality.)

- 05 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the local planning authority.
(Reason: To ensure implementation of the landscaping scheme in the interests of visual amenity.)

- 06 No development shall commence until fully detailed plans showing the ground level alterations involved with each tee and green have been submitted to and approved in writing by the Local Planning Authority and the construction of the tees and greens shall be carried out in accordance with these approved plans.
(Reason: To ensure that there is no unacceptable visual intrusion).

- 07 The holes hereby permitted shall be used only in conjunction with the golf course shown hatched blue on the approved plan.
(Reason: If used separately from the existing course additional development would be needed on the site, including car parking, which would result in an overall impact likely to have an adverse impact on the landscape).

- 08 No development shall commence until detailed plans showing the layout and precise position of the pedestrian crossing point on the B3420 have been submitted to and approved in writing by the Local Planning Authority.
(Reason: In the interests of highway safety).

- 09 The additional 5 holes hereby permitted shall not be brought into use until the pedestrian crossing on the B3420 road has been formed and made available for use in accordance with the details approved under condition No.08 and the crossing shall thereafter be retained in this form.
(Reason: In the interests of highway safety).

- 10 The additional 5 holes shall not be brought into use until a 2m x 70m sight line to the west of the pedestrian crossing point on the B3420 and on the south side of the road has been provided and this sight line shall thereafter be retained at all times.
(Note: The provision of this sight line will only require trimming of the hedge).
(Reason: In the interests of highway safety).

- 11 The use hereby approved shall not be commenced until the existing access from the site to A3057 has been closed.

TEST VALLEY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT, ORDERS AND REGULATIONS

Continuation sheet:

Plan No. TVN.6179/8

(Reason: In the interests of highway safety.)

NOTES TO APPLICANT:

- 01 Permission is required under the Highways Act 1980 to construct a pedestrian access. For details of procedure, please contact the Area Surveyor, Hampshire County Council, Jacobs Gutter Lane, Hounslow, Totton, Southampton SO4 4TQ - Telephone 01703 663388 - at least 6 weeks prior to works commencing.
- 02 Under the terms of the Water Resources Act 1991, an Abstraction licence may be required from the Environment Agency for abstraction of water from any underground strata. This is dependant on water resource availability and may not be granted.
- 03 You are advised to contact The Strategic Planning Engineer, Southern Electric, P O Box 62, Dorcan, Swindon SN3 5JU (Telephone 01793 516034) for clarification of safeguarding measures in respect of both overhead and underground power lines that cross the site.

Head of Planning.....

Sarah Richards

Date.....

25 NOV 1997

All enquiries relating to this decision should be made of Planning Services, Beech Hurst, Weyhill Road, Andover, Hants. SP10 3AJ (Tel 01264 364144 Fax 01264 334815)

IMPORTANT NOTE: You are strongly advised to carefully read the attached notes.



TEST VALLEY

B O R O U G H C O U N C I L

The Hampshire Golf Club Ltd
Winchester Road
Goodworth Clatford
Nr Andover
Hampshire
SP11 7TB

PLANNING SERVICES

Sarah Richards BSc (Hons) MPhil MRTPI
Head of Planning
Beech Hurst Weyhill Road
Andover Hants SP10 3AJ
Telephone (switchboard) 01264 364144 Fax 01264 334815
Web site www.cricklade.ac.uk/test-valley

26 February 1998

Ext or DDI: 3392

Your ref:

Our ref: RCG/CRM/
TVN.6179/8

Please contact: Mr Gregory

Dear Sir

**APPLICATION NO. TVN.6179/8: EXTENSION TO GOLF COURSE PROVIDING 5
ADDITIONAL HOLES TOGETHER WITH ASSOCIATED GROUND WORKS AT O S
PARCELS 3974 AND 3300, HAMPSHIRE GOLF CLUB, ROMSEY ROAD/WINCHESTER
ROAD, GOODWORTH CLATFORD**

Your proposals providing for the following details to the above development have been approved:

Details of alterations to ground level for tees and greens – part compliance with Condition 06 of the above Planning Permission granted 25 November 1997, as per plans received 11 December 1997 and 30 January 1998.

A copy of the amended plans duly endorsed with the Council's decision, are enclosed for your retention.

This decision does not of course, in any way affect any conditions which may have been imposed previously, and which continue to apply. You should also note that only those matters listed above have been considered and are authorised by this letter. Furthermore, it may be necessary for you to submit plans of these amendments to the Building Control Section (North) for Building Regulation purposes, if you have not already done so.

Yours faithfully

For Head of Planning

Enc

DOCUMENT6

DETAIL C

TEST VALLEY BOROUGH COUNCIL
PLANNING DEPARTMENT

Applic No. TW 6179/8

Recd 30 JAN 1998

PLANNING PERMISSION GRANTED

26 FEB 1998

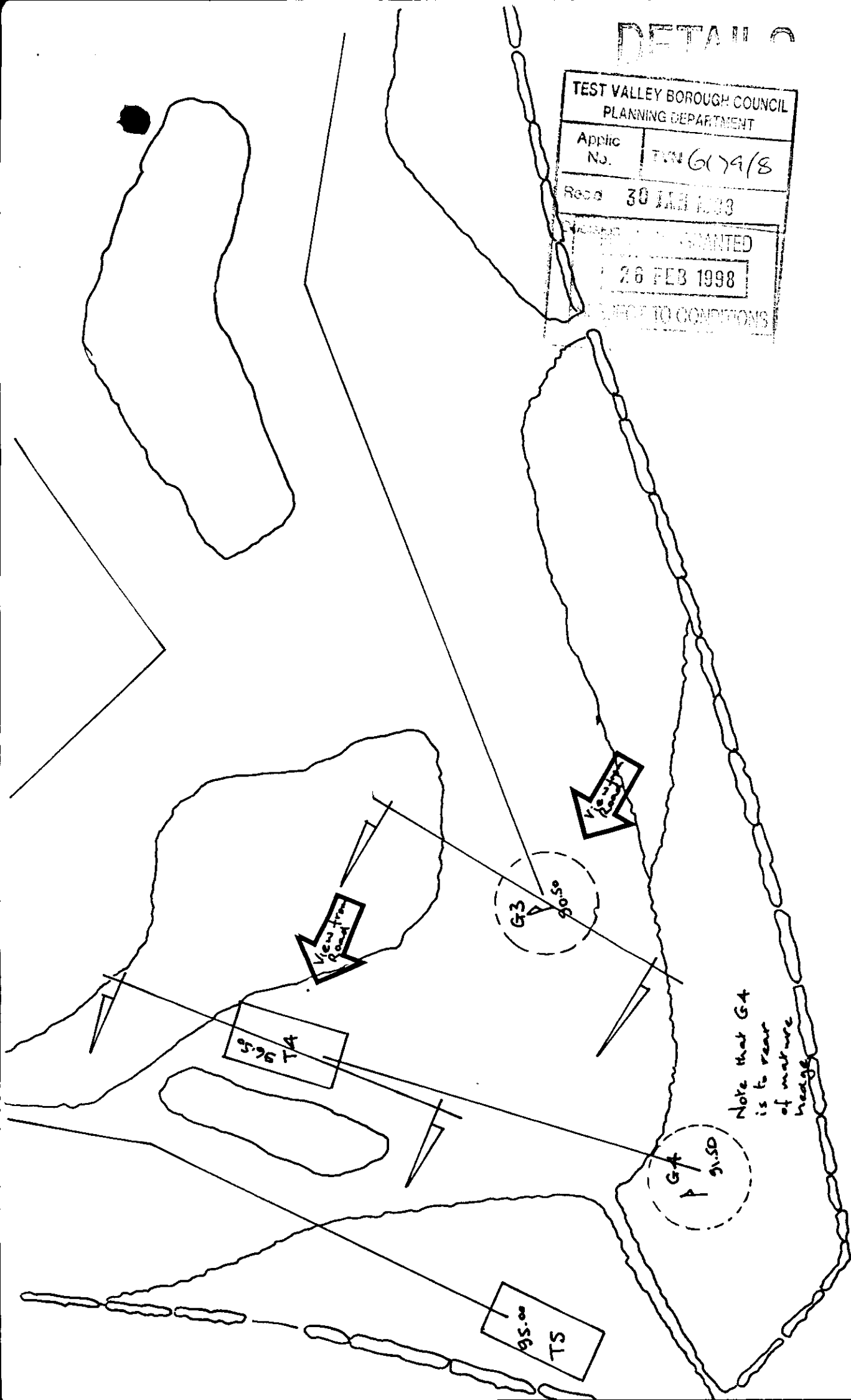
SUBJECT TO CONDITIONS

LOCATION OF SECTIONS INDICATED ON SKETCH 9021

Proposed additional 5 holes at
Hampshire Golf Club
Goodworth Clatford.

Drawn : Jan 98

Sketch No : 9022



Note that G4
is to rear
of mature
hedge

196.5

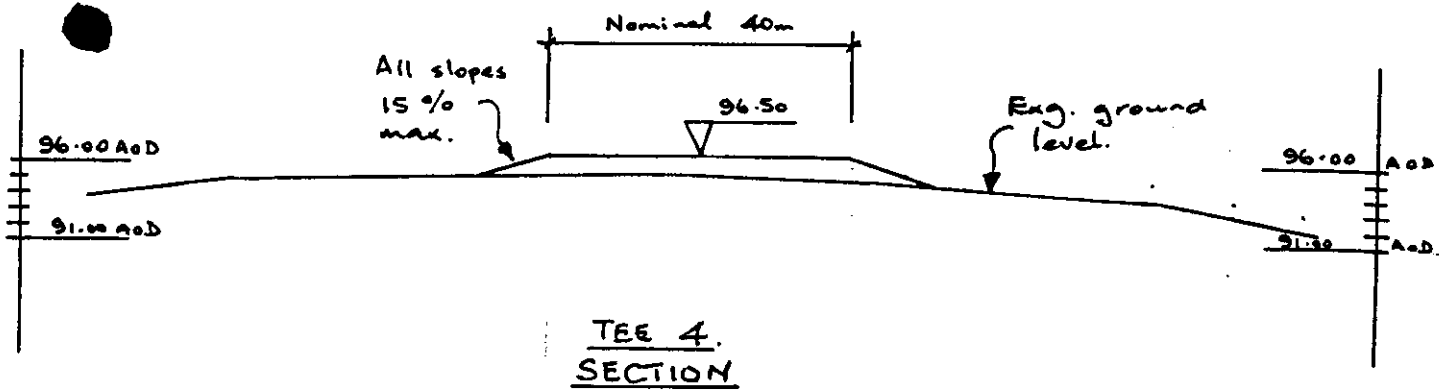
95.00
TS

G3
90.50

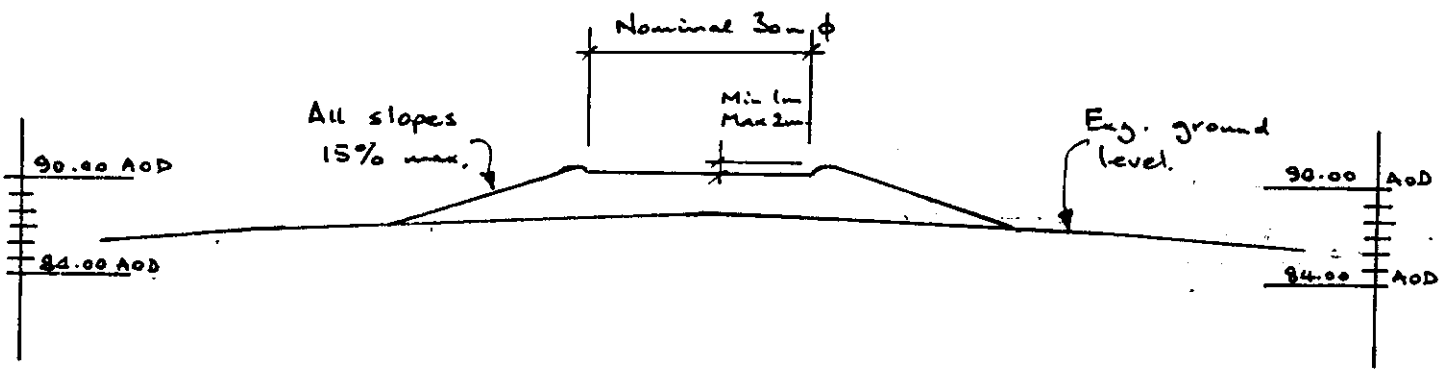
G4
91.50

View from
Quarry

View from
Valley



TEE 4.
SECTION



GREEN 3
SECTION

DETAILS

EAST VALLEY BOROUGH COUNCIL PLANNING DEPARTMENT	
APPROVED	TWN 6179/8
DATE 30 JAN 1998	
PROJECT GRANTED	
26 FEB 1998	
SUBJECT TO CONDITIONS	

SECTIONS

See sketch 9022 for location of sections

Proposed additional 5 holes at Hampshire Golf Club Goodworth Clatford.	Drawn : Jan 98
	Scales Horiz 1 : 1,000, Vert 1 : 500
	Sketch No : 9021

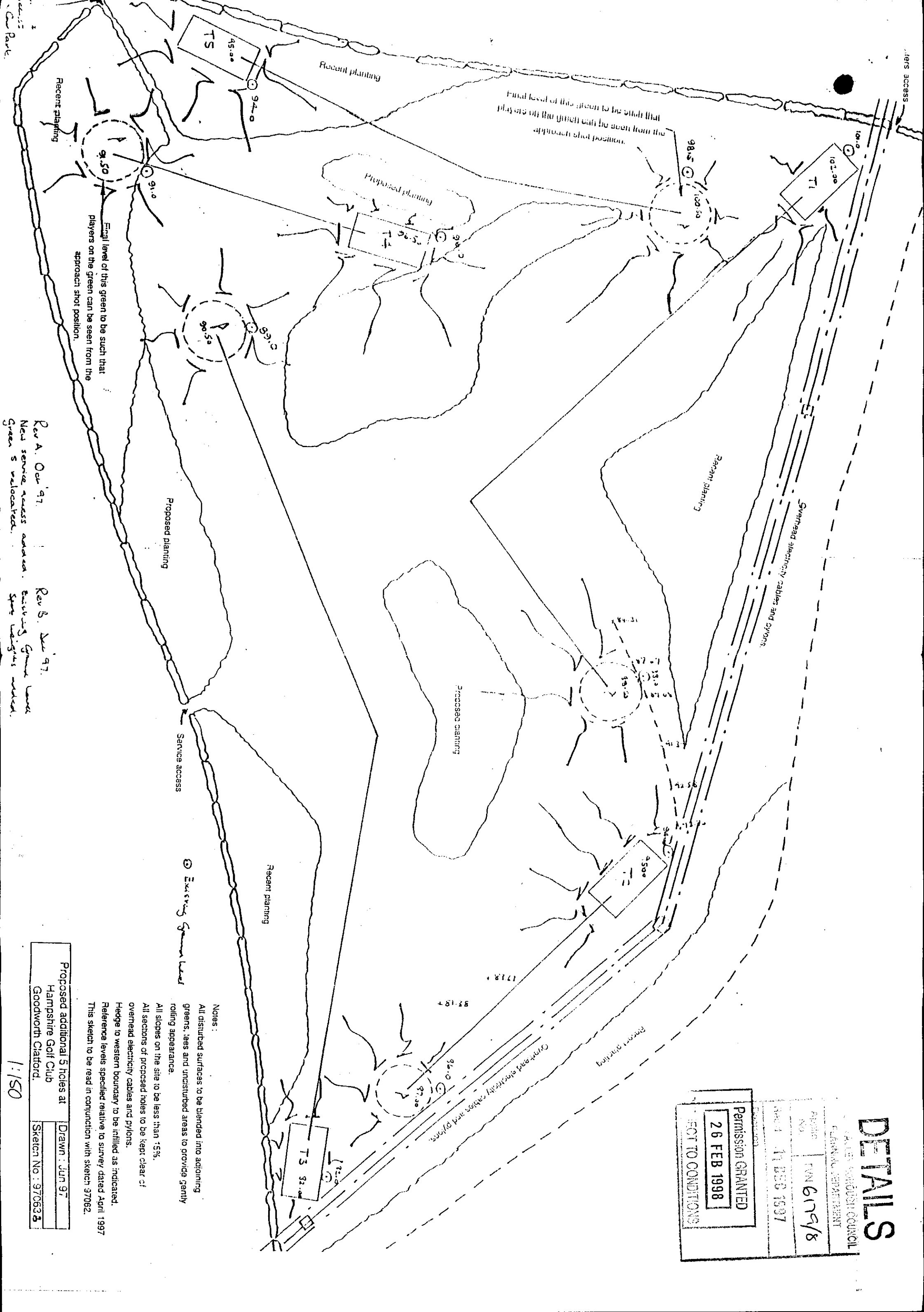
DETAILS

CLARENCE ROAD COUNCIL
PLANNING DEPARTMENT

Application No: FVN 6179/8

Date: 14 DEC 1997

PERMISSION GRANTED
26 FEB 1998
SUBJECT TO CONDITIONS



Notes:

- All disturbed surfaces to be blended into adjoining greens, tees and undisturbed areas to provide gently rolling appearance.
- All slopes on the site to be less than 15%.
- All sections of proposed holes to be kept clear of overhead electricity cables and pylons.
- Hedge to western boundary to be infilled as indicated.
- Reference levels specified relative to survey dated April 1997.
- This sketch to be read in conjunction with sketch 37062.

Proposed additional 5 holes at
Hampshire Golf Club
Goodworth Clatford.

Drawn: Jun 97
Sketch No: 97063B

Rev A. Oct 97. New service access added. Existing Green Level Green 5 relocated.

Rev B. Dec 97. Same as Green 5.

1:150



TEST VALLEY

B O R O U G H C O U N C I L

The Hampshire Golf Club Ltd
Winchester Road
Goodworth Clatford
Nr Andover
Hampshire
SP117TB

PLANNING SERVICES

Sarah Richards BSc (Hons) MPhil MRTP
Head of Planning
Beech Hurst Weathill Road
Andover Hamlet SP10 3AJ
Telephone (winchester) 01264 361114 Fax 01264 334815
Web site www.cricklade.sc.uk/test-valley

5 March 1998

Ext or DDH 3392

Your ref:

Our ref: TVN.6179/8

Please contact: Mr Gregory

Dear Sir

**APPLICATION NO. TVN.6179/8: EXTENSION TO GOLF COURSE PROVIDING 5
ADDITIONAL HOLES TOGETHER WITH ASSOCIATED GROUND WORKS AT O S
PARCELS 3974 AND 3300, HAMPSHIRE GOLF CLUB, ROMSEY ROAD/WINCHESTER
ROAD, GOODWORTH CLATFORD**

Your proposals providing for the following details to the above development have been approved:

Details of archeological watching brief - Part Discharged condition 03 on the basis that no excavation for bunkers will occur. Should this be necessary at a later date HCC Archeology will be contacted. not a condition precedent.

Details of landscaping - Discharged condition 04 of the above planning permission granted 25 November 1997. Plans received 11 december 1997 and 29, 30 January 1998. Not a condition precedent.

Details of seeding and turfing. Part compliance with condition 05 of the above planning permission granted 25 November 1997 as per plans received 11 December 1997, 29, 30 January 1998.

Details of alterations to ground level for tees and greens - part compliance with Condition 06 of the above Planning Permission granted 25 November 1997, as per plans received 11 December and 30 January 1998

Condition 07 - The Golf Course to be used in conjunction with existing part compliance.

Details of pedestrian crossing at B3420 - Condition 08 discharged in full as per plans received 29 January 1998.

A copy of the amended plans duly endorsed with the Council's decision, are enclosed for your retention.

This decision does not of course, in any way affect conditions which may have been imposed previously, and which continue to apply. You should also note that only those matters listed above have been considered and are authorised by this letter.

DOCUMENT6



TEST VALLEY

B O R O U G H C O U N C I L

The Hampshire Golf Club Ltd
Winchester Road
Goodworth Clatford
Nr Andover
Hampshire
SP117TB

PLANNING SERVICES

Stuart Richards BSc (Hons) MPhil MRTP

Head of Planning

Beech Hurst Wythill Road

Andover Hants SP10 3AJ

Telephone (switchboard) 01264 361144 Fax 01264 334815

Web site www.cricklade.ac.uk/test-valley

5 March 1998

Ext or DDI 3392

Your ref:

Our ref: TVN.6179/8

Please contact: Mr Gregory

Please note - Should the scheme not be completed in line with the above planning permission and associated conditions then you will be liable to enforcement action by this authority

Yours faithfully

For Head of Planning

Enc

DOCUMENT6



TEST VALLEY

B O R O U G H C O U N C I L

Beech Hurst, Weyhill Road
Andover, Hants SP10 3AJ
Telephone 01264 368000
Fax 01264 368099
Minicom 01264 368052
Web site www.testvalley.gov.uk

12th December 2011

Ext or DDI 01264

Your ref:

Our ref: TVN.6179/8

Please contact: Mr Bob Gregory

Dear Sir

GROUNDWORKS ON LAND TO SOUTH EAST OF WHERWELL AND WINCHESTER ROAD JUNCTION, GOODWORTH CLATFORD AT 05 PARCLES 3974 AND 3300.

Further to our previous site visits on 17 Feb 2010 and 27 May 2011, we are concerned that the site remains incomplete and works ongoing. You are no doubt aware that several conditions associated with this planning permission cannot be fully discharged by this authority until the work is completed. We must remind you that should this scheme not be completed strictly in accordance with the approved planning permission and all conditions fully discharged in line with your obligations, we will have no alternative other than to take steps to secure proper planning control measures being taken, this will include enforcement action if necessary. We would therefore urge you to complete all previously approved works under planning approval TVN6179/8 as soon as possible in order that successful discharge of conditions 5, 7, 10, 11 can be achieved and to avoid further action being necessary.

Yours faithfully

For Head of Planning

- area relative to the overall site area, as a matter of fact and degree, constitutes operational development.
33. Some material that can be seen in the aerial photographs including that from 2008 which shows some piled up material but it is not clear whether this is imported material in the process of being redistributed or whether they form bunds. The IKB survey however does not show bunds in place at that time. Piles of material may well at times appear like bunds but could be in the process of awaiting redistribution to form the development.
34. I recognise that the work on site has been put on hold to await the outcome of this appeal but the evidence and what I saw on site indicates that these current large banks of material have a strong degree of permanence. The banks in part surround the compound where portakabins, containers and plant have been positioned and help to enclose that area. Although this material may eventually be spread, as a matter of fact and degree, the formation of the bunds in my view from the evidence available appears to have involved operational development.
35. Mr Hearn confirmed when giving his evidence that the bunds and hardstanding had constituted development albeit that they are necessary to deliver the planning permission for the new golf holes. For this ground of appeal to be successful it would be necessary for these operational developments to be permitted by Article 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO).
36. The appropriate class within Schedule 2 of the GPDO is Part 4, Class A which provides permitted development rights for "the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in under or over land or on land adjoining that land".
37. The principal effect of this class of permitted development is in relation to structures whose provision would itself amount to an engineering or building operation, but which will not form part of the development that has been permitted. It has been held that there is no reason to adopt a restrictive interpretation of Class A, because it only grants a temporary planning permission for the duration of the operations, after which the buildings and moveable structures would have to be removed.
38. It is however necessary to consider whether the operational developments are reasonably required temporarily as a matter of fact and degree. I have reached a view within my decision on Appeal A that the planning conditions referred to in the alleged breach of planning control set out on that notice have been breached. However, it does not follow that all of the work in carrying out the planning permission has been completed or exceeded and there will be releveling works that will clearly require the use of plant and machinery. Mr Thunhurst in giving his evidence confirmed that there was still some headroom with respect to material and levels to be created. The process of complying with the planning permission and also the reinstatement of the land where the bund and hardstanding are, which will form part of margins and fairway for the fifth hole, will require further ground-works. Notwithstanding the breach of planning control in relation to Appeal A therefore, the development has not been substantially completed.

39. The size of the hardstanding and the bunds themselves do not appear to me to be disproportionate to the activity given the size of machines that are required for such work. There are also health and safety requirements of personnel undertaking the processes involved and other office and security necessities.
40. I therefore consider that the developments are reasonably necessary to complete what has been approved. As such they are permitted under the provisions of Article 3 of the GPDO by reason of compliance with Schedule 2, Part 4, Class A. As such the appeal on ground (c) succeeds.

Appeal B) Conclusion

41. For the reasons given above, I conclude that the appeal should succeed on ground (c). The enforcement notice will be quashed. In these circumstances, the appeal on ground (f) does not fall to be considered.

A Harwood

INSPECTOR

From: "Hobson, Darren" <DHobson@testvalley.gov.uk>

Date: 2 March 2020 at 16:25:26 GMT

To: Steve Hearn <sph@concepttownplanning.com>

Subject: Planning Inspectorate APP/C1760/C/19/3220542: The land at Whitehouse Field

Dear Mr Hearn

It has been 7 weeks since the Inspectorate issued the decision regarding the appeal against the enforcement notices. As we are now aware Appeal A was dismissed and the enforcement notice was upheld.

The requirements of this notice were:

- 5.1 Return the ground levels of the land to those shown on the MJ Rees Drawing marked "The Enforcement Plan Hampshire Golf Club Andover" (No.8918; September 2018) annexed hereto
- 5.2 Remove from the Land all items associated with the releveling thereof, including all mobile homes, shipping containers, portacabins, skips, plant, machinery and construction materials.

The periods for compliance with the requirements are:

Paragraph 5.1 above – six (6) months.

Paragraph 5.2 above – seven (7) months.

The inspector recognised that there were still works required to deliver on the planning permission for the new golf holes. Therefore I am now writing to ask what your clients intentions are in relation to completing the development in accordance with the decision and the timescales the Council can expect for such a completion.

Your sincerely

Darren Hobson

Planning Enforcement Manager

Planning & Building

Test Valley Borough Council

Beech Hurst

Weyhill Road

Andover

SP10 3AJ

This email has been scanned by BullGuard antivirus protection.

For more info visit www.bullguard.com

Appeal Decision

Hearing held on 27 January 2021

by Jonathan Manning BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Appeal Ref: EPR/APP/548

Whitehouse Field, Winchester Road, Andover, Hampshire, SP11 7HW

- The appeal is made under Regulation 31(1)(a) of the Environmental Permitting (England and Wales) Regulations 2016.
 - The appeal is made by Nelson Plant Hire Limited against the non-determination (deemed refusal) by the Environment Agency of environmental permit application ref: EPR/EB3803CU/A001, dated 13 June 2018.
 - The proposal is to use waste in a deposit for a recovery operation.
-

Decision

1. The appeal is dismissed and the application for a standard rules environmental permit is refused.

Costs Applications

2. An application for costs has been made by both main parties against each other. These will be the subject of a separate decision.

Procedural Matters

3. It was agreed by the main parties at the Hearing that due to the nature of the case, a site visit was not required. I agree with this view and therefore, I have not undertaken a site visit.
4. The appellant has raised strong concerns with regard to the handling of the permit application and the conduct of the Environment Agency (the EA). These matters are considered where relevant in the appellant's costs decision.

Main Issues

5. As a result of the evidence before me and the discussions that took place at the Hearing, I consider that the main issues of the appeal are:
 - whether the Environment Agency's pre-application advice is binding with regard to the determination of a subsequent permit application; and
 - whether the scheme represents a recovery operation.

Reasons

Background

6. In June 2018, the appellant submitted an application for a standard rules environmental permit for the use of waste in a deposit for a recovery
-

operation. This would involve the deposition of waste to construct 5 golf holes associated with planning permission ref: TVN6179/8.

7. The EA failed to determine the permit application within the statutory timescale and on 23 October 2018, the appellant served a notice of deemed refusal on the EA. The appeal was submitted on 1 November 2018.
8. Following the submission of this appeal, the Planning Inspectorate received an appeal by the appellant against an enforcement notice served by Test Valley Borough Council (the LPA). This related to an alleged breach of planning control associated with planning permission ref: TVN6179/8. Given the close links with this appeal it was put into abeyance whilst the enforcement appeals¹ were concluded. The enforcement appeals decision was issued on 13 January 2020. The appellant requested that this appeal be taken out of abeyance on 18 September 2020.

Whether the Environment Agency's pre-application advice is binding?

9. The appellant requested pre-application advice for the proposal in April 2018. On 8 June 2018, the EA wrote to the appellant stating that based on the information provided, including Waste Recovery Plan Version 2 (WRP v2) the proposal was a recovery operation. Following this advice, the appellant submitted the application for the environmental permit.
10. During its consideration of the application, the officers considering the application became aware that waste had been deposited on the site in the past and contacted the LPA for more information. The LPA confirmed that they were concerned about the level of waste that had already been deposited on the site by previous owners. The EA now consider that the operation is not recovery. Such matters will be discussed later in this decision.
11. Notwithstanding this, the appellant is of the view that the pre-application advice is binding on the EA. However, at the Hearing the appellant was unable to refer to any regulations or guidance that set this out. Further, the pre-application letter from the EA clearly states in bold writing: *'Please also note that following submission of an application, additional assessment will take place (for example, further assessment of the proposed waste types based on the sensitivity of the site location) and therefore agreement that an operation is a recovery activity does not guarantee that a permit will be granted or a variation issued'*.
12. The appellant maintains that nothing has changed about the proposal to warrant a change in view from the EA. However, I accept the EA's view that matters associated with the enforcement appeals, particularly that it now appears far less waste is required to complete the works, is a material change in circumstances and is, in my view, sufficient grounds to justify the EA taking a different view. Given all of the above, I do not consider that the pre-application advice is binding on the determination of a subsequent permit application.

A recovery operation?

13. The EA accept that there is an obligation on the appellant to complete the works to fulfil planning permission ref: TVN6179/8, which the LPA are evidently

¹ APP/C1760/C/19/3220542 & APP/C1760/C/19/3220546

- keen to see completed. It was established at the Hearing that the EA's only concern relates to the level of waste that is needed to complete the works.
14. WRP v2 sets out that 60,000 cubic metres of waste would be needed to complete the works. At the time of providing the pre-application advice, the EA saw no reason to consider that this was not the required amount. However, during the EA's consideration of the permit application and as set out above, concerns were raised about the levels of waste that had already been deposited on the site. Following the outcome of the subsequent enforcement appeals, it was established that works were not complete, and more material was needed to complete the construction of the golf holes. Although from the evidence before me and as accepted by the appellant at the Hearing, it is likely that much less waste is likely to be needed than the sought 60,000 cubic metres.
 15. The EA guidance on waste recovery, which I afford significant weight, sets out that evidence will be needed to demonstrate that only the amount of waste needed to carry out the function, that would otherwise be provided by non waste, would be used. Further, the introduction to the relevant standard rules permit² states: *'You must submit a waste recovery plan with your application for these standard rules. We will only be able to issue a permit if we approve the plan and compliance with the approved plan will then be a requirement of the permit, if the application is granted. The plan must demonstrate that your proposals will meet the definition of recovery in the Waste Framework Directive 2008 as explained in relevant regulatory guidance'*.
 16. The EA stated at the Hearing that if a robust calculation for the amount of waste required to complete the necessary works was put before them, they would very likely issue a recovery permit, as they accept there is an obligation to undertake the works. However, the amount of waste required in this case remains somewhat unclear from the evidence before me. The LPA are of the view that it is in the region of 16,000 cubic metres. The appellant's final comments are accompanied by a plan that estimates 24,500 cubic metres, but it appears that the appellant has moved away from this plan following further email exchanges with the LPA that have been provided to me. What is clear is that the evidence suggests that significantly less waste is required to complete the works than the sought 60,000 cubic metres in the permit application.
 17. The appellant, although acknowledging that they are applying for more waste than is likely to be needed, seeks to rely on the fact that only the quantity of waste to reach the required levels in the enforcement plan can be deposited on the site, otherwise it would face further enforcement action from the LPA and this will in effect ensure it is a recovery operation. The proposed approach would remove the ability of the EA to ensure the operation was one of recovery and regulate it as such.
 18. I am not of the view that it is appropriate to rely on the planning system, a separate regime, to ensure that the proposal is one of recovery and remains so. I do not consider that the LPA can be relied upon to take enforcement action if it was necessary, despite their interest in the site to date. For example, as set out by the LPA, it may require agreement by its Councillors, who may choose not to take action. It could be that the LPA's resources are focused on other enforcement matters. I also accept the EA's view that

² Standard rules SR2015 No.39.

enforcement action might not be taken if any breach was minor or had limited environmental harm.

19. The appellant also maintains that there is no evidence to suggest that more waste than is necessary to complete the works would be deposited on the site, as there is no history of past non-compliance. Whilst I accept that the appellant has not been formally cautioned in the past for non-compliance, this does not overcome my fundamental concerns with regard to the reliance on the planning system, as set out above, whether a breach of the permit is considered potentially likely or not. Further, the past compliance record of an operator is not a criterion in the relevant EA guidance to determining whether an operation is one of recovery. In addition, and in my view, a regulatory regime cannot be based on goodwill.
20. Whilst not a determinative factor given my above findings, I am nonetheless mindful of the precedent that such an approach of relying on the planning system to ensure and regulate that operations are one of recovery could set. Should other operators wish to follow a similar route, this could place an inappropriate burden on LPAs and undermine the ability of the EA to effectively enforce the environmental permitting regime.
21. Given all of the above, without robust evidence to set out how much waste is needed to complete the works and a waste recovery plan to reflect this quantity, I simply cannot conclude that the proposals will meet the definition of recovery in the Waste Framework Directive 2008³, as any waste deposited over the required amount to complete the works would be classed as disposal. WRP v2 can therefore not be approved or a standard rules environmental permit issued.

Conclusion

22. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed and the application for a standard rules environmental permit is refused.

Jonathan Manning

INSPECTOR

³ Retained EU Law – Directive 2008/98/EC

APPEARANCES

FOR THE APPELLANT:

David Pojur
Michael Jones
Simon Nelson

of Counsel
White Young Green
Appellant

FOR THE ENVIRONMENT AGENCY:

Jack Smyth
Guy Price
Justyna Krawczynska
Nigel Oliver

of Counsel
Environment Agency
Environment Agency
Environment Agency

INTERESTED PARTIES:

Paul Jackson

Test Valley Borough Council

Jones, Michael

From: Jackson, Paul <PJackson@testvalley.gov.uk>
Sent: 27 August 2021 11:51
To: 'info@nelsonplanthire.co.uk'
Cc: 'Steve Hearn'; Jones, Michael; Ferrier, Andrew; James, Andrew
Subject: RE: Nelson Plant Hire Ltd - Whitehouse Fields Golf Course

Dear Mr Nelson

I refer to your email dated 27th August 2021 with regard to the above and your confirmation that the MJ Rees plans are correct and accurate plans to work to in order to complete the scheme in line with the planning permission, enforcement notice and inspectors decision.

I can confirm that MJRees drawing 9026 shows 16,865 m³ being placed on the site, I am unable to confirm the "through the gate volume" as that will be a matter for the Environment Agency in their consideration of the WRP.

Regards

Paul Jackson MRTPI
Head of Planning and Building
Test Valley Borough Council
Beech Hurst
Weyhill Road
Andover
SP10 3AJ

Tel: 01264 368186

mailto: PJackson@testvalley.gov.uk

