

From: info@nelsonplanthire.co.uk
To: ["Jones, Michael"](mailto:Jones, Michael); Andrew.Bowker@tetrattech.com
Cc: Tanner, Matt
Subject: RE: Whitehouse Field - Additional Information Required
Date: 15 September 2022 13:11:45
Attachments: [image007.png](#)
[image008.png](#)
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[image012.png](#)
[image013.png](#)
Importance: High

Matthew,

Thank you for your email. Michael has forwarded these to me as he is currently on holiday. I have tried to call and left a message.

In order to ensure that you have the information quickly for the 2 key issues you have identified which hopefully will assist the process, I will outline below.

The first issue ref the obligation: For clarity we do not seek to rely on the inspectors comments from the first hearing whereby it was noted that additional material is needed to complete the works. In this regard we would ask that you consider the notes from the second appeal hearing which is contained within the WRP at section 1.1.18 & Appendix K paragraphs 13,15,& 16. The crux being that we are at risk of a completion notice being served on us by the LPA which the EA accept in the last hearing was a clear obligation on ourselves. This is further substantiated by the letters from the LPA at appendix C (pages 30-32) & Appendix D (pages 33-34). It is explicitly clear that the second appeal hearing supersedes the first appeal in so much as the obligation and the evidence which came to light after the first hearing and was agreed in the second hearing with both the LPA and the EA make it clear of the obligation.

The second issue you have identified being the volumes of waste needed. These are contained within the agreed plan with the LPA and are detailed within the WRP at 1.1.21 and Appendix L (pages 55-56). Appendix I (pages 44-45). (Appendix C (pages 30-32). Appendix D (page 34).

Within the WRP the reference made to condition 6 of the planning permission is only to confirm that this condition has been satisfied and that a plan has been agreed and therefore discharged. We do not seek to rely on this as part of the obligation.

You make reference to bunds which I am slightly confused over, the bunding is only temporary around the site set up area whilst works ensue and the volumes contained within them has already been factored into the calculations detailed within the WRP and agreed with the LPA. The work needs to be completed to avoid a completion notice being served against ourselves, this was accepted at the last hearing by the EA as a clear obligation on ourselves and is included within the WRP as evidence.

With regards to your separate note: There has been other material deposited on the site under previous permits over various years but the works detailed within the planning permission remain incomplete.

The very minor works recently done on site is a safety feature and in line with our H&S advice and in order to maintain our obligations under CDM before commencement of the works. This

work has been done under exemption and will remain present throughout the works phase but will be removed from the site prior to the completion of the works, therefore the volumes remain unaltered and as contained within the WRP and agreed with the LPA.

There are also some primary and recycled aggregates on site in order to ensure temporary haul roads can be constructed if needed in order to facilitate the works, should this be necessary then any temporary roads needed to assist in access will be removed prior to completion of the works. We have demonstrated that the minimum volume of waste is to be used within the drawing agreed with the LPA and calculation annexed thereto, this is in line with both planning inspectors findings and will avoid any completion notice.

Please do feel free to contact me further should you need any more information, I believe Michael returns from holiday next week.

Kind regards,

Simon Nelson



Phone: 01264 726121 or 01264 357627

Mobile: 07920 100 120

Email: info@nelsonplanthire.co.uk

Website: www.nelsonplanthire.co.uk

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From: Jones, Michael <Michael.Jones2@tetrattech.com>

Sent: 13 September 2022 16:36

To: info@nelsonplanthire.co.uk

Subject: Fwd: Whitehouse Field - Additional Information Required

Sorry Simon in Germany these came through late last week

Michael Jones

Tetra Tech

From: Tanner, Matt <Matthew.Tanner@environment-agency.gov.uk>

Sent: Thursday, September 8, 2022 1:29:18 PM

To: Jones, Michael <Michael.Jones2@tetrattech.com>

Subject: Whitehouse Field - Additional Information Required

Afternoon Michael,

Apologies for no earlier update. I have recently returned from Annual leave, and have discussed your application with the deposit for recovery lead. Taking into account the previous discussions and the Waste Recovery Plan provided, we are going to need some further information before we can conclude the activity as recovery.

At the moment, our key issues are that I cannot see clear evidence of the obligation to carry out the work, and need clarity on the volume of waste required.

We can see that the decision document from the first appeal hearing states the additional material was needed to complete the original scheme, but this does not constitute a specific obligation with regards to the proposed development. The WRP makes several references to an obligation as specified in Condition 6 of planning permission TVN.6179/8. This condition only requires the holder of the permission to agree plans with the local authority and to stick to those agreed plans. This is not a specific obligation as TVBC are not requiring the operator to carry out the work. At the moment, it appears from the various appeals that the local authorities concerns are related to broader issues than just the incomplete bunds. It is not clear why the operator *has* to complete the work, given the permission has been in place since 1997 and the council have not taken specific enforcement action against the land owner for not completing the work – This inherently weakens the operators argument for obligation, so any further evidence the operator has should be submitted at this stage.

As a separate note, we understand that there is material (waste or otherwise) deposited on site. The council was made aware of this, and followed it up with the communication acknowledged and appended in the Waste Recovery Plan. We have also been informed that there has been more deposition since the submission of this application, as recently as late August. It's not clear whether this material was placed permanently or whether it has been stockpiled for future use. With the presence of this additional material, please confirm the required volume to be recovered, and amend the Waste Recovery plan accordingly. Please note, we are not able to retroactively permit any waste already on site. If the material on site is not waste and is intended to contribute to the construction of the site, this volume will have to be removed from the waste recovery plan. To be confident that the minimum amount of waste is used (as outlined in our guidance), please provide a clear calculation of the total volume required for the project, existing material on site and the volume of waste covered under the waste recovery plan.

Please let me know if you need any further detail.

Kind regards,

Matt Tanner BSc (Hons) MSc

Senior Permitting Officer (Waste Deposit Team)

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Pronouns: he/him ([why is this here?](#))

Typical hours : Monday – Friday, 7am – 3pm



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