

From: info@nelsonplanthire.co.uk
To: [Tanner, Matt](#)
Cc: ["Jones, Michael"](#)
Subject: RE: Whitehouse Field
Date: 01 March 2023 11:20:47
Attachments: [image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
Importance: High

Matt,

Without Prejudice:

Thank you for your email the contents of which have been noted. I am glad that both authorities have finally managed to confer with each other after such a long period of time.

I need now to draw your attention to the following points within your letter and points which you claim you need further confirmation of. Whilst we believe that these have already been answered and proven numerous times it is also clear that these questions have also been answered and evidenced within the councils statutory consultee response. I do hope that this should answer the questions that you once again raise and allow you to approve the application. For ease I have detailed the questions you raise within your letter in red.

You have stated within your response that we have failed to answer the following.

Question 2. Provide clear evidence from Test Valley Borough Council Planning Authority, that the planning authority will only discharge the planning conditions once the site is restored to the agreed planning permission, and that the planning authority would not accept anything less than the volumes of material as stated in the planning documents (Drawing 9026 dated April 2020).

We answer these questions once again in a way that is clear for you to understand.

1. The council cannot discharge the planning conditions until the current planning permission is completed, this is fact.
2. We have a planning permission which cannot be taken away from us, whether the council would accept anything less or not is immaterial as there is no obligation on us to submit an application for a lesser scheme when we already have approval for the current scheme.

We specifically need to understand the extent of the obligation, and Test Valley Borough Council Planning Authority expectations for the restoration of the site. You must provide evidence to support the following points. Please Look at the councils latest letter and particularly at the penultimate paragraph. The council are clear about reserving their position in relation to the enforcement action, we cannot discharge the enforcement notice until the works to the golf course are completed which cannot be done until we have a standard rules permit from the EA, this letter alone is clear evidence of the obligation which is incumbent on us to complete these works and this is in addition to previous correspondence we have had with the council which was included within our application, this is also further substantiated by the last inspectorates decision which confirms there is an obligation on ourselves to complete the works, this was

agreed by the EA on video and under oath.

- a. **You will only use the amount of waste necessary to carry out the function that would otherwise be provided by non waste.** This has been proven as the council have confirmed that the amount in their letter of 16,865m³ is to be imported to achieve the levels needed to complete the permission, this tallies with the drawing we submitted as part of our permit application, the drawings are the same as are the volumes !! You will recall at the last hearing with the inspectorate he was clear that neither authority could regulate the other and so it was important that a drawing was provided to the EA as part of our new permit submission in order to ensure that all authorities were aligned. This was done and confirms unequivocally that we are using the minimum amount of waste needed. You will also recall that the inspectorate stated that "as we have established there is an obligation to complete the works should we apply again with this information/drawings included the EA would more than likely issue a permit". We have done this yet still you stall this process !!
- b. **You have considered alternative proposals that could use a smaller amount of waste to achieve the same function.** We have considered alternative proposals but we have a planning permission to complete the golf course and it is our right to complete these works and deliver this planning permission, to that note we have demonstrated that we are using the minimum amount of waste. We do not wish to submit another planning application for a lesser scheme and have demonstrated that we are using the minimum amount of waste necessary within the planning permission that we have.

Myself and our consultants Tetratex cannot fathom out where we have failed to address the points you mention within your latest letter and it is clear to see that these are not only included within the application documents and WRP, but have been repeated to yourselves for a period exceeding the last 2 years and also re-iterated within the response to the schedule 5 notice you issued to ourselves, now finally within the council's latest letter. An inspectorate will see this should we need to proceed to appeal.

For absolute clarity, we will be proceeding with the application as it stands. We note your latest extension and timeframe now taking us to the 23rd March and will decide which way to proceed once we get to that point.

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: Tanner, Matt <Matthew.Tanner@environment-agency.gov.uk>
Sent: Wednesday, March 1, 2023 9:23 AM
To: Jones, Michael <Michael.Jones2@tetrattech.com>; info@nelsonplanthire.co.uk
Subject: RE: Whitehouse Field

Morning Both,

Thank you for your patience with the consultation with TVBC. We have now received a response which may impact on any decision you may wish to take regarding your application. In light of this, we thought it would be appropriate to issue another letter outlining the potential ways forward. Please see the attached letter and confirm how you wish to proceed.

You will be aware of a recent site visit carried out by Jemma Lovegrove (Triage Officer). She mentioned you were on site and wanted me to pass on her thanks for the conversation you had. Her finding will be included for consideration in the determination.

Kind regards,

Matt Tanner BSc (Hons) MSc

Senior Permitting Officer (Waste Deposit Team)

Environment Agency | Richard Fairclough House, Latchford, Warrington WA4 1HT

Matthew.Tanner@Environment-Agency.gov.uk

Mobile: 07876 130613

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

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



From: Tanner, Matt
Sent: 08 February 2023 15:27
To: info@nelsonplanthire.co.uk; 'Jones, Michael' <Michael.Jones2@tetrattech.com>
Subject: Whitehouse Field

Afternoon Both,

Thank you for your previous email. In response to your queries regarding the progress of the application and communications with TVBC, please see the attached letter. If you have any further questions, please let me know.

I am away for the rest of the week, returning next Tuesday, but will be happy to respond on my

return.

Kind regards,

Matt Tanner BSc (Hons) MSc

Senior Permitting Officer (Waste Deposit Team)

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



From: info@nelsonplanthire.co.uk <info@nelsonplanthire.co.uk>

Sent: 01 February 2023 13:29

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

Cc: 'Finch, Simon' <SFinch@testvalley.gov.uk>; 'Ferrier, Andrew' <AFerrier@testvalley.gov.uk>;

'Jones, Michael' <Michael.Jones2@tetrattech.com>

Subject: Whitehouse field.

Importance: High

Dear Matt,

I hope you are well. I am yet to receive a reply to my last email but write again by way of update.

I attended a meeting yesterday with the chief executive and Head of Planning of the LPA to discuss the above project, both were kind enough to accommodate me at the local council offices. For your information Simon Finch is currently the Head Of Planning & Building and Andrew Ferrier is currently the chief executive both for Test Valley Borough Council.

As all parties fully understand the planning position has been fully confirmed previously by the planning inspectorate. The LPA also made reference within our meeting to certain enforcement notices which cannot be fulfilled until the works have been completed, The knock on effect, As you well know is that the works cannot be fully completed until we receive an environmental permit from yourselves so at this stage these delays are really causing us problems.

As you confirmed that was the case in your email and stated that you had spoken to the LPA and were awaiting information which you estimated would take a couple of weeks. Surprisingly both parties were unaware of you needing to contact them to verify certain information in order to finally approve our environmental permit and to ensure that we can finally complete the works on site.

I am sure that this may be an oversight or crossed wires and as such feel that this introductory email may assist you in moving forward as you know that we are keen to avoid the appeal process in order to obtain the environmental permit which would finally enable us to complete the works, however we are also fully prepared to follow this route if we need to.

I am hoping that this introductory email to all parties now gives you the opportunity as the determining officer from the EA to confer with the correct contact (Simon Finch) of the LPA quickly to now confirm that the detail we have provided in relation to the plans and drawings for the finished scheme that we have submitted within our application to yourselves for an environmental permit, is the same as has been agreed with the LPA and can be cross referenced in terms of the works that need to be done to complete the planning permission in line with the inspectors decision. This is a very straight forward exercise and as your aware this was all the inspector required at the last hearing and confirmed that if this was provided the EA would very likely issue a permit, notwithstanding this it is disappointing that we have still had to wait a further 2 years to get to this point.

This last dialogue between yourselves should hopefully now allow you to complete your reasonable balanced checks and measures in order to approve the environmental permit application which we have submitted and which in turn will then allow us to finally complete the works to the golf course in line with the enforcement plan, inspectors decision and the planning approval.

You have requested another extension of the previous deadline that you set of 27th December 2022 until the 17th February 2023.

After careful consideration and in light of the above and the fact that it would appear that the Head of Planning has not had any dialogue with yourself up to now, I am prepared to extend the deadline date until Friday 10th February 2023 before we lodge an appeal with the planning inspectorate at which point the determination of the application will be afforded to the inspectorate, at this point we will have no choice but to seek costs for following this process from the EA.

This offer of an extension is a final attempt to allow the EA sufficient time to determine the application and in the hope that we can avoid the lengthy, and costly process of having to proceed to an appeal for matters which are very straight forward and that can be dealt with quickly and efficiently and without the need to further clog up unnecessarily the already over worked appeal process.

I trust the above to be self explanatory and look forward to hearing from you soon .

Kind regards,

Simon Nelson



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