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Nelson Plant Hire Limited  
Homestead Farm, Weyhill Road,  
Penton Corner,  
Andover, Hampshire,  
SP11 0QX

Our ref: EA/EPR/DP3898LC/S003  
Date: 08 February 2023

By email only to:

Michael Jones - Michael.Jones2@tetrattech.com  
Simon Nelson - info@nelsonplanthire.co.uk

Dear Sirs,

**Application Reference:** EA/EPR/ DP3898LC/S003  
**Applicant:** Nelson Plant Hire Limited  
**Facility:** Whitehouse Field, Winchester Road, Andover, Hampshire,  
SP11 7RN  
**Permit Application:** Standard Rules Deposit for Recovery activity (2015 No39)

We write in response to Simon Nelson's email dated 1 February 2023 in which you indicated that it is your intention to lodge an appeal notice with the Planning Inspectorate on the grounds of non-determination by 10 February 2023. The Environment Agency ("the Agency") would like to set out our current position regarding your application.

Due to the ongoing activity on the site which may impact on the volume of material which the Agency would permit but would not be authorised under a Standard Rules Deposit for Recovery permit (2015 No39) ("the permit") the Agency required additional information.

On 9 November 2022, we sent you a Notice of request for more information ("the Notice") issued under the provisions of Schedule 5 of the Environmental Permitting (England and Wales) Regulations 2016 ("EPR 2016").<sup>1</sup>

We have reviewed the documentation you submitted with your application together with your responses to the Notice. Your responses have failed to answer all the questions set out in the Notice dated 9 November 2022, namely:

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<sup>1</sup> Appendix 1 9 November 2022 Schedule 5 Notice of request for more information

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 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:

- a) You will only use the amount of waste necessary to carry out the function that would otherwise be provided by non-waste.  
And
- b) You have considered alternative proposals that could use a smaller amount of waste to achieve the same function.

Your responses so far have failed to address the points above and we are not confident in the information provided in the Waste Recovery Plan.

On 1 December 2022 we wrote to you via email<sup>2</sup>, to confirm that we had opened direct line of communication with Test Valley Borough Council (“TVBC”) in attempt to try to ascertain TVBC’s expectations for the restoration of the site. To-date we have not received a response from TVBC. This information is pertinent to our assessment and determination of your application.

In view of your intention to submit an appeal to the Planning Inspectorate (“PINS”) for ‘Non-Determination, then based on the information that we have received so far, we cannot agree that the proposed activity is recovery and consequently the application could be refused. In this event you will lose your application fee.

We would like to take this opportunity to remind you of your options:

- If you insist on appealing to PINS for the Agency’s non-determination of your application, then the Agency will proceed to determination based on the information we have received to date.  
Or,

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<sup>2</sup> Appendix 2 1 December 2022 Email from the Environment Agency to the applicants

- We can delay the determination process on the understanding that we are waiting for a consultation response from TVBC regarding the obligation and waste volume required. We will consider any response from TVBC and any further information from you up a to the deadline of 13 March 2023.  
Or
- You can withdraw your application.

Please note that the Environment Agency can retain all application fees regardless of whether you withdraw the application, or the application is refused.

We would be grateful for your response to this letter by 17 February 2023 to inform us how you wish to proceed with this application.

Regards

**Matt Tanner**

**Senior Permitting Officer – Waste Deposit**

**Environment Agency**

**National Permitting Service (Part of Operations – Regulation, Monitoring and Customer)**

[Matthew.Tanner@environment-agency.gov.uk](mailto:Matthew.Tanner@environment-agency.gov.uk)