

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

Our ref: EA/EPR/DP3898LC/S003
Date: 1 March 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. Since our last letter, we have received information which may impact on any decision you may wish to take regarding your application. 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 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").¹

¹ Appendix 1 9 November 2022 Schedule 5 Notice of request for more information

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:

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 email², 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. On 23 February, we received a response from TVBC³. Our understanding of TVBC’s letter appears to make the planning permission and consequently the future of the site uncertain.

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.

² Appendix 2 1 December 2022 Email from the Environment Agency to the applicants

³ Appendix 3 Letter from Test Valley Borough Council dated 23 February 2023

- Or,
- 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 24 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 8 March 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

Notice of request for more information

The Environmental Permitting (England & Wales) Regulations 2016

To the Company Director of:

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

Application number: JB3307SP/A001

The Environment Agency, in exercise of its powers under Schedule 5, Part 1, Paragraph 4 of the Environmental Permitting (England and Wales) Regulations 2016 (“EPR 2016”), requires you to provide the information detailed in the attached schedule. The information is required in order to determine your application for a permit which was duly made on 17 August 2022.

Send the information to either the email or postal address below by 30th November 2022. If we do not receive this information by the date specified then we may treat your application as having been withdrawn or it may be refused. If this happens you may lose your application fee.

Email address: psc@environment-agency.gov.uk.

Postal address:
Permitting Support, NPS Sheffield
Quadrant 2
99 Parkway Avenue
Parkway Business Park
Sheffield
S9 4WF

| Name | Date |
|-------------|------------|
| Matt Tanner | 09/11/2022 |

Authorised on behalf of the Environment Agency

Notes

These notes do not form part of this notice.

Please note that we charge £1,200 where we have to send a third or subsequent information notice in relation to the same issue. We consider this to be the first notice on the issues covered in this notice.

The notes in italics that appear after information requests in the attached schedule do not form part of the notice. The notes are intended to assist you in providing a full response.

Schedule

Please provide the following as part of a revised Waste Recovery Plan.

Depending on your response, we may have additional questions.

- 1. Confirm if material has been placed on the site since Drawing Number MJ Rees 9026, dated April 2020 was prepared. If material has been placed on the site, please confirm how much additional material has been deposited on the site and how this material impacts the total volume required under the current Waste Recovery Plan.**

Reason: The Waste Recovery Plan states that 16,865 m3 or 28,670 tonnes of material is required to complete the works in line with the agreed planning permission as shown in the drawing 9026, dated April 2020. The correspondence received from Simon Nelson (dated 15/09/22) acknowledges that there has been recent work on site, but it is unclear to what extent and how this has been considered for the Deposit for Recovery activity.

- 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 Drawing 9026 dated April 2020.**

*Reason: In section 4.2 of the Waste Recovery Plan, letters from Test Valley Borough Council Planning Authority and Council Planning Guidance are referred to as justification for an obligation. This is not sufficient to show obligation. Work on the site has already commenced. Test Valley Borough Council Planning Authority anticipate that the site is to be returned to Test Valley Borough Council's satisfaction. Consequently, we require confirmation from Test Valley Borough Council that they still require the site to be completed in line with the planning permission granted on 25 November 1997, **and** Test Valley Borough Council are not prepared to accept a lower profile on the site which would require less material.*

- 3. Provide evidence that the 'worthwhile benefit' to the works being carried out referred to in the original planning permission are still exist.**

Reason: The existing planning permission is for the extension of the golf course. We understand the Hampshire golf club is no longer associated with this site, and the current development would not be part of the existing golf course. Further information is required to demonstrate that the benefit is realised without the association with the existing golf course. Please provide evidence to show if planning would accept a scheme in isolation.

From: [Tanner, Matt](#)
To: info@nelsonplanthire.co.uk; [Jones, Michael](#)
Subject: Whitehouse Field - Schedule 5 Notification and TVBC consultation
Date: 01 December 2022 09:50:00
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Morning Simon and Michael,

Thank you for your response to the Schedule 5 Notification. We will not be asking for any further information at this stage.

As the competent regulator it is incumbent upon the Environment Agency to collect all relevant information to enable us to determine your application. It is our role as a responsible regulator to ensure we consider all information available and make reasonable efforts to obtain the information.

To that end, we are consulting with Test Valley Borough Council (“the Borough Council”) regarding your obligation to carry out the work. From preliminary discussions with the Borough Council, we understand that they will not be able to respond to our enquiries before 20 January 2023.

Until we have a response from the Borough Council we are unable to conclude our assessment and determine your application.

We can only apologise for any inconvenience this may cause you but we will update you as soon as we are in receipt of any further information and able to proceed further towards 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



Creating a better place
for people and wildlife



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Latchford, Warrington
WA4 1HT

Planning and Building Service
Beech Hurst
Weyhill Road
Andover, Hants SP10 3AJ
Telephone 01264 368000
Minicom 01264 368052
Web site www.testvalley.gov.uk

Contact: Mr Andrew James
E-mail: anjames@testvalley.gov.uk
Our ref: 17/0294/GM
Date: 23rd February 2023

Dear Mr Matt Tanner,

REF: WRP consultation response - Land at White House Field

Firstly, my apologies for the time it has taken to respond to the EA in relation to the WRP application they are processing for the site known as White House Field.

As you are aware the land benefits from an extant planning permission which authorises an **'Extension to golf course providing 5 additional holes together with associated ground works'** – planning ref: TVN.06179/8 (attached – Decision Notice). As part of that permission, it has been confirmed in a topographical survey (see attached ref: 9088), that an import volume of **16,865 m3** would be required (not including existing north bund volume of 3280 m3) in order to deliver the land levels to the heights that accord with the approved plans for TVN.06179/8.

That to one side, Mr Nelson has recently indicated to the Council that he now intends to build a 5 hole self-contained golf course as opposed to an extension to the existing Hampshire Golf Course site. In response we queried the position with the owners of the adjacent Hampshire Golf Club (HGC), and they have confirmed that there are no plans or agreement in place at the present time for them to include, within the golf course, the additional 5 holes as granted permission in 1997.

Officers have, therefore, reviewed the planning position given the stated intention of the landowner to build out a self-contained golf course. As part of this process, we have taken Counsel's advice, as the permission clearly relates to an 'extension' of the existing golf course as opposed to an entirely separate standalone course. Counsel has endorsed our initial view that, should Mr Nelson wish to proceed with construction of a self-contained 5 hole course, planning permission would need to be sought from the Council for such development because the current planning permission authorises only an extension, not a free-standing facility unrelated to HGC.

Of course it remains open to Mr Nelson to complete the development in accordance with planning permission ref: TVN.06179/8 but in our opinion the development must be developed as an extension to the adjacent HGC course and naturally the expectation is that the works

would be undertaken in full compliance with the associated planning conditions, drawings and other details that form part of that planning approval.

Finally, there is an extant Enforcement Notice (see attached 'Enforcement Notice' and associated 'MJ Rees plan 8918') on the land which Mr Nelson has not complied with, to the knowledge of the Council, and as such it remains an unresolved matter. Our understanding at the time the notice was issued was that the works being carried out were in connection with the building of the extension to the neighbouring course, hence the requirements of the notice relate to compliance with the terms of the permission. We further believe that construction of the approved development has not significantly progressed since the time the Enforcement Notice was upheld at appeal. The Council will need to consider its position in relation to the Enforcement Notice.

I trust the above clearly sets out the Council's understanding of the planning position, but should you have any questions then please do let me know. We will shortly be informing Mr Nelson of our view. He may have a different opinion as to the planning status of the site and proposed works to form 5 holes on the land. If this is the case, we will need to consider any information he wants to provide, and we will review our position as necessary.

Yours sincerely,

Mr Andrew James
Planning Enforcement Manager
for Head of Planning & Building Service