

Jones, Michael

From: Tanner, Matt <Matthew.Tanner@environment-agency.gov.uk>
Sent: 08 September 2022 12:29
To: Jones, Michael
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

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

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