

Jones, Michael

From: info@nelsonplanthire.co.uk
Sent: 01 March 2023 11:21
To: 'Tanner, Matt'
Cc: Jones, Michael
Subject: RE: Whitehouse Field

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 Tetrattech 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 councils 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



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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.