

Graham Robinson

From: Graham Robinson
Sent: 23 August 2019 20:00
To: Karen Rose; Buckley, David
Subject: RE: [EXT] FW: EIA - BU496/P - South Caldecotte - Request for Screening Direction from Secretary of State
Attachments: Appendix 2 EIA Screening Addendum 16.07.19.pdf

Dear Karen,

Thank you for your email dated 22/08/19 to David Buckley advising that you will be seeking Historic England's advice regarding the potential effect to the Scheduled Monument site.

Of course, it should be noted that Mr Buckley's email was based on a superseded Direction and Written Statement issued 7/08/19 rather than the final Direction and Written Statement issued 13/08/19.

Mr. Buckley's e-mail dated 21/08/19 is wrong to suggest 'additional information' has come to light regarding the development; the development is that considered by the Secretary of State pursuant to its Direction issued 13/08/19. Mr. Buckley simply attached the second screening opinion of the Council and accompanying matrix issued on 30/07/19. This does not provide any new technical information but simply highlights that the Council reached an alternative view to the Secretary of State on whether the development was EIA development. This is a matter of judgement for the decision maker and, simply because the Council reached an alternative view, should not lead to an alternative decision being reached by the Secretary of State.

The request for a Screening Direction was accompanied by an addendum letter (Produced by DLP Planning, attached) to the request to Milton Keynes Council for a screening opinion made 16/07/19. Technical reports were also submitted with the Direction request. Those reports were submitted with the planning application for the development and therefore are available to the Council. The information before the Secretary of State was therefore up-to-date and sufficient to enable an informed decision to be reached.

Contrary to Mr. Buckley's assertions, the issues of public rights of way, heritage/archaeology and also ecology, as well as cumulative development, were properly considered pursuant to the Screening Direction.

All issues raised by Mr. Buckley are addressed within the relevant technical reports and no additional information has been provided. It is therefore difficult to see how an alternative conclusion on whether the development is EIA development could be reached; it is simply a matter of the Council disagreeing with the conclusions of the Secretary of State.

However, we note that you are consulting Historic England, and therefore take the opportunity to attach all relevant archaeology reports submitted with the planning application for the sake of completeness. Given the file sizes these are available at the download link [<https://we.tl/t-zCn0FsKkru>] – please let me know if you have any issues accessing these.

Mr Buckley and the Council are simply wrong to suggest that the Screening Direction was based on out-of-date information. The Direction was based on up-to-date and appropriate information to enable a lawful decision to be taken; that decision was that the development was not EIA development. The fact that the Council reached an alternative view cannot be the basis for the Secretary of State to alter its decision. We note that Historic England have been consulted and are confident that it will reach the same conclusion as our heritage experts and the Secretary of State; that the development is not EIA development. In such a scenario, we look forward to receiving confirmation that the Direction of the Secretary of State does not need to be revisited.

We look forward to hearing from you.

Yours sincerely,

Graham Robinson MRTPI
Associate Director
DLP Planning Limited

4 Abbey Court
Fraser Road
Priory Business Park
Bedford
MK44 3WH

m 07940 583921
t 01234 832740
f 01234 831266
email: graham.robinson@dlpconsultants.co.uk



From: Karen Rose <Karen.Rose@communities.gov.uk>
Sent: 22 August 2019 08:24
To: Buckley, David <David.Buckley@milton-keynes.gov.uk>
Cc: Graham Robinson <graham.robinson@dlpconsultants.co.uk>
Subject: RE: [EXT] FW: EIA - BU496/P - South Caldecotte - Request for Screening Direction from Secretary of State

Hi David

I will review the EIA Screening Direction following the submission of the additional details from yourselves, a revised Screening Direction was issued which was copied to Milton Keynes Council but only to the generic address as we had a bounce back from the original message to say that the original case officer had left the council, I attach a revised copy for your information. Given your concerns regarding the Scheduled Monument I will be seeking Historic England's advice regarding the potential effect on that site.

I am copying in the Developers agent (Graham Robinson, dlp) into this email so that they are aware of the actions that are being taken regarding this proposal and have the opportunity to comment on the information provided.

I will advise you and Mr Robinson once a decision has been made regarding the screening direction.

Regards

Karen Rose

Karen Rose
Planning Casework Manager
Planning Casework Unit



Ministry of Housing,
Communities &
Local Government

☎ 0303 44 48069

✉ karen.rose@communities.gov.uk

✉ 5 St Philip's Place, Colmore Row, Birmingham, B3 2PW

For PCU General Enquiries:

☎ 0303 444 8050

✉ pcu@communities.gov.uk

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Karen

From: Buckley, David <David.Buckley@milton-keynes.gov.uk>

Sent: 21 August 2019 17:15

To: Karen Rose <Karen.Rose@communities.gov.uk>

Cc: 'Graham Robinson' <graham.robinson@dlpconsultants.co.uk>; Palmer, Jonathan <Jonathan.Palmer@milton-keynes.gov.uk>; Darke, Tracy <Tracy.Darke@milton-keynes.gov.uk>

Subject: RE: [EXT] FW: EIA - BU496/P - South Caldecotte - Request for Screening Direction from Secretary of State

Dear Karen,

Further to our discussion earlier today-

Just to clarify the position from Milton Keynes Council's (MKC) perspective:

Subsequent to the original EIA screening opinion issued by MKC in August 2018, MKC issued a second EIA screening opinion on 30th July 2019, that the proposed development at South Caldecotte *is* EIA development and an Environmental Statement *is* required for the proposal.

This second opinion was issued based on additional information that had come to light in relation to the development. It was prepared, as required, following receipt of a planning application which identified a significant increase in the proposed level of floorspace.

In MKC's view, issues related to public rights of way, heritage/archaeology and also ecology, as well as cumulative development, were not considered appropriately or fully in the EIA Screening Direction issued by the Secretary of State on 7th August 2019. In particular, the Screening Direction states that; "The proposed site is not located within or adjacent to any designated sites and is not in close proximity to any heritage assets. The agents have confirmed that there are no public footpaths within or adjoining the site."

Unfortunately the screening direction has not recognised the presence of a Scheduled Monument adjacent to the site (as well as related archaeology which is located on the proposed development site), or the presence of Public Rights of Way and Priority Habitat on the site. Therefore, MKC is concerned that the Screening Direction has been based on out of date information and, as issued, could potentially be open to challenge.

On this basis, we request that the case is reopened and the Screening Direction reconsidered in light of the attached EIA Screening Opinion and related matrix issued by MKC (attached).

After discussion with DLP Planning, we were informed that a revised version of MHCLG Screening Direction was issued. However, we have only received one version of the document from MHCLG.

Kind regards,

David Buckley
Senior Planning Officer (Development control)
T: 01908 25 3393
M:07775110877
E: david.buckley@milton-keynes.gov.uk
W: <https://www.milton-keynes.gov.uk/planning-and-building/>
Milton Keynes Council | Planning Service | Growth, Economy and Culture | Civic Offices | 1 Saxon Gate East | Milton Keynes | MK9 3EJ

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