



The Planning Inspectorate

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Mr A Hoyle
Axis P E D Ltd

Your Ref: N/A

Sent by email:
alistairhoyle@axisped.co.uk

Our Ref: APP/Y0435/W/21/3271410

Date: 01 July 2021

Dear Mr Hoyle

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (SI 571/2017) ('THE EIA REGULATIONS')

Appeal by: FCC Environment

Site Address: Bletchley Landfill Site, Guernsey Road, Bletchley

The Inspector has referred to the Secretary of State, pursuant to Regulation 14(2) of the EIA Regulations, the question as to whether the application that is the subject of this appeal is an EIA application within the meaning of the EIA Regulations

The development proposed, namely proposed variation of conditions 2 (operational life), 3 (restoration sequence) and 5 (final restoration of the site) attached to planning application MK/806/95 to extend the operational life of the site by 15 years with final restoration of the whole site to be completed within a further 24 months, falls within the description at 13b of Schedule 2 to the EIA Regulations. In the opinion of the Secretary of State, and having taken into account the criteria in Schedule 3 to the EIA Regulations, the proposal is likely to have significant effect on the environment for the following reasons:

As Application MK/806/95 was subject to EIA and accompanied by an Environmental Statement (ES) (prepared under the 1988 EIA Regulations), the proposed amendments must be viewed within the wider context of an existing EIA development. The proposed development when viewed within its wider context may result in likely significant effects.

In accordance with Regulation 14(5) of the EIA Regulations, the Secretary of State hereby directs that the application is an EIA application for the purposes of the Regulations.

The Secretary of State therefore notifies you by this letter that the submission of an ES is required under those Regulations.

In order to enable a fully informed and robust consideration of the development as amended in its context you may provide a copy of the ES that accompanied the Application MK/806/95 but updated.

The updated ES should include details of the proposed amendments to the EIA development, and any additional environmental information necessary to assess the likely significant effects arising from the development as changed. It should address any change to relevant legislation and guidance and/ or additional environmental factors introduced through the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 compared to the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, for example in relation to climate change, major accidents and disasters, and population and human health, as well as any significant cumulative effects with other existing and/ or approved projects of relevance.

The information can be submitted in the form of an addendum to the ES submitted for Application MK/806/95 and information that has already been submitted as part of the application that is the subject of this appeal and Appeal Ref. APP/Y0435/W/21/3273179 may be used in the preparation of the ES.

Under regulation 28(1) of the EIA Regulations, the relevant planning authority must take steps to secure that this screening direction is placed on the part of the Planning Register which relates to the application that is the subject of this appeal.

You are reminded that, under regulation 14(7) and 14(8) of the EIA Regulations, the Secretary of State shall be under no duty to deal with the appeal unless, within 3 weeks from the date of this notification, appellant writes to inform him that an ES will be provided. A letter should be sent to the above email address and marked for the attention of the Environmental Services Team. Please confirm whether you intend to submit an ES, and if you do, how long you anticipate this will take to prepare.

Under Regulation 2(1) of the EIA Regulations, an ES must contain the information specified in that Regulation. It is recommended that you refer to the EIA Regulations¹ and the online Planning Practice Guidance on EIA² in preparing the ES.

We would draw your attention to court cases which have stressed the need for all the relevant environmental information in an ES to be comprehensive and easily accessible, and to the requirements regarding the publishing and posting of site notices as directed in Regulation 20(1).

You will bear in mind that the Secretary of State's opinion on the likelihood of the development proposed having significant environmental effects is reached only for the purposes of the direction.

¹ <http://www.legislation.gov.uk/ukxi/2017/571/introduction/made> and <https://www.legislation.gov.uk/ukxi/2020/505/made>

² <https://www.gov.uk/guidance/environmental-impact-assessment>

A copy of this letter is being sent to the relevant planning authority for information.

Yours sincerely

Richard Hunt

Richard Hunt
EIA and Land Rights Manager
(Signed with the authority of the Secretary of State)

cc: Development Management, Milton Keynes Council (Local Planning Authority)
Mat Nicholson, FCC Environment (Appellant)

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is:
<https://acp.planninginspectorate.gov.uk/>