

**Planning Act 2008 (as amended): TR010011: Application by
Central Bedfordshire Council for an Order Granting Development
Consent for Woodside Link Houghton Regis Bedfordshire**

GUIDANCE NOTES REGARDING THE ISSUE-SPECIFIC HEARING

Issue Specific Hearing Tuesday 21st January 2014

Venue: Central Bedfordshire Council, Watling House High Street North
Dunstable Bedfordshire LU6 1LF

Registration: 09:30am.

Hearing start time: 10:00am.

Background

Under s91 of the Planning Act 2008 (as amended) examination process the Examining authority (ExA) is empowered to call an issue-specific hearing in order to ensure:

- (a) adequate examination of the issue(s), or
- (b) that an interested party has a fair chance to put the party's case.

The ExA is also able to invite those parties from whom he wishes to hear submissions, including evidence regarding the specified issues identified.

The issue-specific hearing is normally a hearing held in public. The process involves the ExA asking questions of the parties he has invited to give evidence. Other interested parties may request to speak but it is at the discretion of the Examining authority as to whether this will be permitted.

For this particular Issue-Specific Hearing the ExA wishes to ask questions of a number of parties in the light of their responses to his second round written questions submitted for Deadline V (Monday 13th January), together with any relevant points outstanding from earlier proceedings that may require further clarification or confirmation.

Attendance at the Hearing

Several interested parties (IPs) have notified the Planning Inspectorate that they wish to attend the Issue-Specific Hearing.

Any interested party that wishes to attend is welcome to attend.

Parties invited to speak by the Examining Authority

The ExA requests that representatives of the following parties make themselves available to speak at the hearing:

Birchan Dyson Bell LLP on behalf of the applicant (Central Bedfordshire Council) and other parties
Central Bedfordshire Council – Local Planning Authority

Luton Borough Council - Planning and Transportation
Houghton Regis Town Council
Harlington Parish Council
Friends Life Company Limited and Lands Improvement Holdings
Miss V Haxell

It would also be helpful if the Environment Agency could be represented in relation to the discussion of flood risk mitigation and the Highways Agency could be represented in relation to the discussion of wider traffic implications of the Woodside Link project and its relationship with the existing and proposed national highways network arrangements.

Details of the topics likely to be covered are as set out in the Agenda attached to this note.

Other parties in attendance may also be allowed to speak in response to specified agenda items and points arising if they advise the ExA of their wish to do so at the outset of the examination.

Questioning of speakers by the Examining authority

The ExA understands that some speakers may not be experts or professionals with experience of speaking at planning hearings. However, if speakers are able to point to robust information or credible evidence (which can include photographs, relevant documents etc) that supports the case that they are putting forward then that is likely to carry greater weight in an examination than unsupported assertion. Persons wishing to speak are therefore requested to take this point into account when preparing to speak and to ensure that they are in a position to provide appropriate documentary or evidential references where practicable to support the main points they wish to present in relation to the topics listed in the agenda.

The ExA may ask questions of any speaker in order to clarify any points arising from what is being said.

Much of this particular Issue-Specific Hearing will be taken up by discussion and investigation of the information submitted by the applicant and other public bodies in response to the ExA's second round written questions.

Procedure to be followed

The hearing will run until all Interested Parties and other speakers requested to speak by the ExA have made their representations and have responded to the ExA's exploration of the matters in accordance with the agenda set. If the ExA considers it appropriate he may call a mid-morning break and a mid-afternoon break. In any event there will be a break for lunch, probably at around 13:00 depending on progress.

Each Interested Party who has been requested to speak will be invited to come forward to provide evidence and/or to respond to questions from the ExA. The ExA will lead the hearing session which will be arranged to permit presentation and testing of evidence through a question and

answer format. The Applicant will also be given an opportunity to respond to each party's case and to respond to questions from the ExA.

Anything said by interested parties should be based on representations previously made in writing by the particular participant or arising directly from the matters raised by each Interested Party. However, representations made at the hearing should not simply repeat matters previously covered in a written submission but rather provide further detail, explanation and evidential corroboration to help inform the ExA.

Repetition of points made by other parties does not advance the ExA's understanding of the application's implications, wastes examination time and reduces the time available to hear other parties. Repetition of points already made by others is therefore discouraged.

The hearing will deal with:

- points arising in relation to the infrastructure planning policy position, Green Belt policy and prematurity
- the numbers and proportions of different types of traffic forecast to use the Link, including heavy goods vehicles
- wider traffic and highway safety effects of the project and associated environmental implications when considered in isolation or in combination with other relevant projects and whether/how/when it is proposed to mitigate them
- socio-economic effects assessment
- flood risk (role of the 'borrow pit' and flood risk mitigation)
- visual and landscape impacts
- ensuring the examination is provided with up-to-date documentation
- any other matters relevant to the Issue-Specific Hearing.

This should not be regarded as an exhaustive list - other matters may be brought into consideration as the ExA digests the detail of the parties' submissions for Deadline V.

All Interested Parties who have submitted a representation regarding the application may attend the hearing if they wish to do so. Any contribution made to the Issue-Specific Hearing will not preclude contributions to other hearings, including the Compulsory Acquisition Hearing to be held on Wednesday 22nd January 2014 and the Open Floor Hearing to be held on Thursday 23rd January 2014. Both these hearing are to be held at the same venue as the Issue-Specific Hearing. Repetition of similar points at different hearings should be avoided.

At the hearing the ExA will by reference to the Agenda ask those listed to speak to come forward to give their evidence. In the event that any other party wishes to speak regarding the topic under consideration that wish should be drawn to the ExA's attention under Agenda Item 3. He will then decide whether to allow the party concerned to join the discussion or to hear the contribution separately after completion of the questioning of the previous party(ies).

Further information

Any person uncertain of the procedure or seeking further information should contact Mr Emré Williams (Case Manager) or the Woodside case team at the Planning Inspectorate on the contact details provided below.

Email: woodside@infrastructure.gsi.gov.uk

Case Team: 0303 444 5000

Case Manager: 0303 444 5069

Yours faithfully

Glyn Roberts

Glyn Roberts

Examining Authority

ISSUE-SPECIFIC HEARING AGENDA

1. INTRODUCTORY REMARKS

2. PURPOSE OF THE HEARING

3. IDENTIFICATION OF SPEAKERS AND INTRODUCTIONS

- The ExA will note the speakers who have already notified the Inspectorate of their availability to speak. He will ask whether any other interested party wishes to speak in relation to named items listed in the agenda.
- Any party wishing to speak should provide their name and indicate the agenda item to which they wish to contribute.

4. PLANNING POLICY AND PREMATUREITY

- The ExA will ask CBC Planning and the Applicant to comment upon the status of the HRN1 application at the time of the hearing, including whether or not the Secretary of State has decided to call in the application for his determination
- The ExA will request Harlington Parish Council to outline its concerns in relation to planning policy and prematurity and will then invite the Applicant, the local authorities and any other party that wishes to speak to respond.

5. TRAFFIC AND ASSOCIATED EFFECTS

The ExA will explore further the assessment of the proportion of HGVs likely to use the Woodside Link and the robustness of the assessment of traffic implications for the wider network, following up points made in parties' submissions, including those made by:

- The Applicant
- Luton BC , e.g. regarding the traffic implications of the debate over the types and densities of housing provision to be made in the HRN1 scheme
- Houghton Regis Town Council and Luton BC e.g. those in relation to the effects on residential areas including any associated with the Parkside Link and the referenced proposal for a development of 600 dwellings
- Miss V Haxell
- Harlington Parish Council

Relevant parties will be asked to provide further explanation and justification regarding their respective positions in relation to the traffic issues

- The ExA will also invite contributions from the parties regarding any the implications for environmental effects that may be associated with particular levels and types of traffic, such as noise and vibration and air quality.

NOTE: Luton BC reserved its position in relation to a number of the ExA's Round 2 written questions regarding traffic effects and chose not to respond until it had seen the Applicant's responses for Deadline V. Luton BC will be expected to provide responses to these questions at the hearing given that by then it will have had the opportunity to consider the Applicant's Round 2 responses.

6. LANDSCAPE AND VISUAL EFFECTS

- Consideration of the photomontages provided by the applicant
- the Applicant will be asked to explain mitigation proposed and discuss any issues arising, including any implications for the openness of the Green Belt should the HRN1 development be refused or not consented before a decision is needed on the Woodside Link Road DCO application.
- Other parties will be provided with an opportunity to respond to the Applicant's submissions regarding these matters.

NOTE: The Applicant is requested to provide sufficient hard copies of the photomontages for the parties likely to participate in the discussions and to display a set of the images on a display panel or panels in the room where the hearing is to be held.

7. FLOOD RISK MITIGATION

- Consideration of the Statement of Common Ground between the Applicant and the Environment Agency
- The applicant (and the Environment Agency, if represented) will be asked to explain the potential role of the Borrow Pit in any future EA Flood Risk Mitigation scheme and to comment on whether any flood risk mitigation strategy for the Woodside Link Road should incorporate drainage infrastructure proposals that take account of and connect with the Borrow Pit.
- Other parties, including Luton BC, will be provided with an opportunity to comment regarding this matter.

8. ANY OTHER MATTERS RELEVANT TO THE ISSUE-SPECIFIC HEARING

The ExA may wish to consider additional matters in the light of more detailed scrutiny of the parties' responses to his Round 2 written questions.

9. EXAMINING AUTHORITY'S CLOSING REMARKS

PLEASE NOTE

All Interested Parties or other persons who are proposing to attend and speak at the Issue-Specific Hearing in accordance with the outline agenda set out above are asked to notify the Planning Inspectorate (contact details set out in the guidance note) as soon as possible if they have not done so already.