



3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
E-mail: woodside@infrastructure.gsi.gov.uk

Your Ref:

Our Ref: TR010011

Date: 10 September 2013

Dear Sir/Madam

Planning Act 2008 (as amended) – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rules 4 and 6

Application by Central Bedfordshire Council for an Order Granting Development Consent for the Woodside to the M1 Link Road

Notice of appointment of Examining Authority, notice of preliminary meeting and availability of relevant representations and application documents

The Secretary of State has appointed me to act as the Examining Authority (ExA) to carry out an examination of the above application by Central Bedfordshire Council (see **Annex F**).

My examination will comprise a consideration of written representations about the application and any oral representations made at the hearings in addition to consideration of the application documents, policy and legal positions, site inspections and any other matters I consider to be relevant and important. All these matters will be taken into account when I make a recommendation to the Secretary of State for Transport, who will make the final decision in this case.

This letter contains an invitation to the preliminary meeting to be held to discuss the procedure that will be followed in the examination of the application. It also sets out information that is important to parties at the outset of the process, and includes a number of supporting Annexes.

The main points covered in the letter include:

1. Your status in the examination
2. Availability of relevant representations
3. Purpose of the preliminary meeting
4. Invitation to the preliminary meeting and details of how to suggest additional agenda items
5. Arrangements for the preliminary meeting
6. Statements of Common Ground
7. Award of Costs.

1. Your status in the examination

This letter has been sent to you because you (or the body you represent) fall within one of the categories in s88(3) of the Planning Act 2008.

If you have made a “relevant representation”¹, have a legal interest in the land affected by the application or are a relevant local authority, you have a formal status as an Interested Party in the examination process. Interested Parties will receive notifications from the Planning Inspectorate about the examination throughout the process and may make written and oral submissions regarding the application.

If you are a prescribed consultee (i.e. a body specified in the relevant regulations supporting the Planning Act 2008) but have not made a relevant representation you will not automatically be an Interested Party. However, following the preliminary meeting, you will have a further opportunity to notify the Planning Inspectorate that you wish to be treated as an Interested Party.

If you are not sure whether you are an Interested Party, please contact us using the details at the top of this letter.

Information regarding the formal status of Interested Parties and how you can get involved in the process is set out in Planning Inspectorate Advice Note 8 – ‘How to get involved in the Planning Process’².

2. Availability of relevant representations

Thank you to those parties who have submitted relevant representations. The submission of relevant representations has assisted me in preparing my proposal for how to examine this application. All relevant representations submitted have been published. They can be found on the National Infrastructure pages of the Planning Portal website³ or can be inspected at various locations. **Annex A** contains details of the availability of relevant representations and application documents.

3. Purpose of the preliminary meeting

The purpose of the preliminary meeting is to enable views to be put to me about the way in which the application should be examined. ***It is important to appreciate that this meeting deals only with the examination procedure and not with the merits of the application.*** The merits of the application will be considered once the examination starts, after the preliminary meeting has closed.

The Planning Inspectorate will send you a copy of my procedural decision⁴ as to how the application is to be examined as soon as practicable after the meeting.

The agenda for the preliminary meeting is included in **Annex B** and follows my initial assessment of the principal issues arising from the application, which is set out at **Annex C**. **Annex D** sets out my draft proposal for the examination timetable. The

¹ i.e. a representation in the form required by Regulation 4 of the Infrastructure Planning (Interested Parties) Regulations 2010 (SI2010/102)

² <http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>

³ <http://infrastructure.planningportal.gov.uk/projects/Eastern/Woodside-Connection-Houghton-Regis-Bedfordshire/>

⁴ Rule 8 Letter under the Infrastructure Planning (Examination Procedure) Rules 2010

preliminary meeting provides the opportunity for Interested Parties to contribute views regarding the procedural details set out in these Annexes.

I am committed to run a fair, efficient and effective preliminary meeting to enable all relevant views to be heard. For this reason groups of individuals who have similar views regarding the examination procedure are strongly encouraged to choose one representative to speak for the group.

Further information about Preliminary Meetings is given in the Planning Inspectorate's Advice Note 8.4 which is available on the National Infrastructure pages of the Planning Portal website:

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2012/03/Advice-note-8.4.pdf>

4. Invitation to the preliminary meeting and details about how to suggest additional agenda items

The preliminary meeting will take place on **Tuesday 8th October 2013**. Registration will begin at **09:30am** and the meeting is scheduled to start at **10:00am** at **Central Bedfordshire Council, Committee Room 1**, Watling House, High Street North, Dunstable, Bedfordshire, LU6 1LF.

If you wish to attend the preliminary meeting please write, email or telephone the Planning Inspectorate using the address and contact details set out at the head of this letter, marking it for the attention of Emré Williams (Case Manager). The Inspectorate needs to receive confirmation of your attendance by **Tuesday 1st October 2013**.

In addition, if you wish to make submissions on procedural matters not set out in the preliminary meeting agenda, or if you are using legal advisors and intend to make legal submissions regarding the examination procedure these **must** be made in writing and submitted by **12:00pm on Tuesday 1st October 2013** (that is 7 days before the date of the preliminary meeting) to Emré Williams.

It will help the management of the preliminary meeting and benefit everyone if you would:

- confirm whether you will be attending, and
- tell us whether you wish to speak at the preliminary meeting and on which agenda items, listing the points you wish to make.

Please note that you are not required to attend the preliminary meeting in order to participate in the examination. If you are an Interested Party you will still be able to make written representations and participate in any hearings that are arranged.

Should you no longer wish to be treated as an Interested Party and do not wish to be involved in the examination process, you should notify us of this in writing.

5. Arrangements for the preliminary meeting

On arrival at the venue you will be asked to register your name and any unique reference number with staff of the Planning Inspectorate. Priority will be given to the applicant and those registered as Interested Parties, statutory consultees, local authorities and affected persons before seating is allocated to other members of the

public. The Examining Authority may exercise its discretion to permit any person, in addition to those who are entitled to take part, to participate in the meeting.

Any changes to the agenda will be announced on opening the preliminary meeting if I consider that the changes will assist the discussion of the procedure for the examination.

A note and audio recording will be taken of the preliminary meeting. These will be published on the National Infrastructure pages of the Planning Portal's website and a hard copy of the note will be deposited at the locations listed in **Annex A** as soon as practicable after the meeting.

6. Statements of Common Ground

There will be a discussion of Statements of Common Ground (SoCG) at the preliminary meeting. The aim of a SoCG is to provide useful factual information identifying areas of agreement and disagreement, highlighting key issues. All parties are encouraged to use the pre-examination period and the period leading up to any programmed written submissions and hearings to reach as much consensus as possible and to be clear regarding any disagreements that remain.

Annex E identifies initial areas where SoCGs would assist the examination, although this should not be regarded as a final or exhaustive list. I would welcome written comments regarding the proposed list of SoCGs at **Annex E** at least 7 days before the preliminary meeting, in order to facilitate discussion at the meeting.

As a matter of priority I request that the applicant's Statement of Common Ground with the Highways Agency (Item F in Annex E) be submitted by 12:00pm on Tuesday 1st October (that is 7 days before the preliminary meeting).

7. Award of Costs

You should be aware of the possibility of the award of costs against parties who behave unreasonably. To assist understanding of what 'unreasonable behaviour' means in the context of an examination under the Planning Act 2008 you may find it helpful to read the Government guidance: *Awards of costs: examinations of applications for development consent orders* (July 2013)⁵ which can be found on the National Infrastructure pages of the Planning Portal website

I look forward to working positively with all parties in the examination of this application.

Yours faithfully

Glyn Roberts

Glyn Roberts
Examining Authority

⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/211459/Awards_of_costs_-_examinations_of_applications_for_development_consent_orders_-_guidance.pdf

Annexes:

- A. Availability of relevant representations and documents
- B. Agenda for the preliminary meeting
- C. Initial assessment of principal issues
- D. Draft Timetable for examination of the application
- E. Statements of Common Ground
- F. Notice of appointment of Examining Authority

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

Annex A

Availability of relevant representations and documents

On the National Infrastructure pages of the Planning Portal's website at:

<http://infrastructure.planningportal.gov.uk/projects/Eastern/Woodside-Connection-Houghton-Regis-Bedfordshire/>

For inspection and copying at:

Central Bedfordshire Council

Watling House
High Street North
Dunstable
Bedfordshire
LU6 1LF

Opening Times:

Monday to Thursday 8:30am to 5.00pm
Friday 8.30am to 4.00pm

Facilities will be available for copying the application documents at a charge of 20p per A4 page, 40p per A3 page and £10 per A1 plan

Please note that cash payment is not possible at the facility and therefore copies up to the value of £1 will be free of charge, but a payment over £1 will have to be made by debit card, credit card or cheque.

Luton Borough Council

Development Control
Town Hall
George Street
Luton
LU1 2BQ

Opening Times:

Monday to Thursday 8:45am to 5.00pm
Friday 8.45am to 4.45pm

Facilities will be available for copying the application at a charge of 20p per A4 page, 40p per A3 page and £10 per A1 plan

Annex B

Agenda for the preliminary meeting

Date: 8th October 2013

Commences: 10:00am (Registration starts at 09:30am)

Venue: **Central Bedfordshire Council, Committee Room 1**, Watling House, High Street North, Dunstable, Bedfordshire, LU6 1LF.

09:30	Registration Opens
10:00 - Item 1	Welcome and Introductions
Item 2	Examining Authority's remarks about the examination process
Item 3	Any submissions regarding procedural matters not set out in the agenda that have been submitted to the Planning Inspectorate by 12:00pm on 1 October 2013.
Item 4	Principal Issues – see Annex C
Item 5	<p>To inform the procedural decision by the Examining Authority about how the application is to be examined under s.89 (3) he requests an update from the applicant and other Interested Parties regarding progress with procedures associated with the application and with resolution of issues raised within relevant representations. These include:</p> <ol style="list-style-type: none">1. Any requirement for an Environmental Permit if waste is to be used during the construction phase (comments of the Environment Agency welcomed);2. Any requirement for applications under s.127 and/or s.138 of the Planning Act 2008;3. The drawing up of protective provisions with National Grid Electricity Transmission Plc, National Grid Gas Plc and other relevant parties;4. The preparation of Statements of Common Ground with the Highways Agency, National Grid Electricity Transmission Plc and National Grid Gas Plc, Environment Agency, Natural England, and other relevant parties; and5. The preparation of Local Impact Reports (including updates on relevant local plans and strategic developments).
Item 6	<p>Comments on proposed Timetable for elements of the examination – see Annex D</p> <ul style="list-style-type: none">• Written Representations (Deadline 1)• Local Impact Reports (Deadline 1)• Responses to Examining Authority's (ExA) written questions

	<p>(Deadline I & IV)</p> <ul style="list-style-type: none"> • Statements of Common Ground (Deadline I) • Comments on Written Representations (Deadline III) • Comments on Local Impact Reports (Deadline III) • Comments on Responses to ExA's 1st written questions (Deadline III) • Applicant's revised draft DCO (Deadline IV & VI) • Any updated SoCGs (Deadline IV) • Any s174 obligations (Deadline IV & VI) • Comments on Responses to ExA's 2nd written questions (Deadline VI) • Applicant's final preferred DCO (Deadline VII) • Any final s174 obligations (Deadline VII) • Notifications relating to hearings <p>Hearings and Accompanied Site Visits</p> <ul style="list-style-type: none"> • Dates and times reserved for accompanied site visits to application site and surrounding area • Dates reserved for open-floor hearings • Dates reserved for issue-specific hearings • Dates reserved for compulsory acquisition hearings
Item 7	Close of the Preliminary Meeting

Please note: if no further information is received that might change the position as at the time of writing the Examining Authority will aim to complete the meeting by lunchtime (around 13:00pm). Please register and be available from the start and throughout the meeting. If the discussion takes less time than anticipated, the Examining Authority will conclude the meeting as soon as all relevant contributions have been made. If there are additional matters to be dealt with or submissions take a considerable amount of time the meeting may run for longer and the order of items may change.

Annex C

Initial assessment of principal issues

This is the initial assessment of the principal issues arising from consideration by the Examining Authority of the Application Documents and relevant representations received concerning the Woodside to the M1 Link Road. It is not a comprehensive or exclusive list of relevant issues. Regard will be had to all relevant and important matters in making findings and reaching conclusions and a recommendation after the examination is concluded.

1. *NSIP status*

Is there any dispute regarding the NSIP status of the project? The application was accepted under section 55 of the Planning Act 2008 on the basis that it was for a Nationally Significant Infrastructure Project as defined by section s22(2)(b) of the Act, i.e. that it was to be constructed for a purpose connected with a highway for which the Secretary of State is (or will be) the highway authority.

2. *Planning policies, cumulative effects and alternatives*

- a) Planning status of the proposal in relation to relevant adopted and emerging planning and transportation policies, programmes and plans at national and local levels
- b) cumulative effects (including relevant developments and infrastructure projects) and
- c) alternative routing – relationship with proposed new development that is yet to be granted planning permission or subject to an allocation in the statutory development plan.

3. *Traffic, safety and access effects*

Positive and negative traffic, and highway safety and access effects upon the existing and proposed highway and access network likely to arise from the construction and operation of the proposed project, including:

- a) Adequacy of the assessment, including concerns raised by Luton BC. Does it confirm to the Government's Transport Appraisal guidance?
- b) Effects upon the existing and proposed national highway network, including the M1 motorway, the existing A5 trunk road and the proposed A5-M1 link road
- c) Any diversion of traffic from urban highways, including the section of the existing A5 trunk road proposed to be de-trunked in support of operation of the proposed new A5-M1 link road and the regeneration of Dunstable town centre.
- d) Traffic effects upon any existing and planned residential or commercial areas likely to be impacted by changes in traffic flows and routing.
- e) Effects upon the movement of Heavy Goods Vehicles, including HGV movements related to the Woodside Industrial Estate and business area.
- f) Effects upon the existing and proposed pedestrian and cycle network and the safety of users.

4. ***Environmental effects upon the occupants of residential property*** in areas located near to the proposed project and any other road that may be affected by the project (e.g. through consequential traffic movements arising from the operation of the proposed new link road), including any potential noise, vibration and air quality effects.
5. ***Hydrological and drainage effects of the project, including any flood risk*** implications for properties in the area.
6. ***Visual effects of the project***, including project design and landscaping (the proposed highway is routed across relatively flat open land close to housing and is proposed to be elevated on embankment for much of its length).
7. ***Mitigation of any significant ecological effects***, including any identified effects upon invertebrates.
8. ***Economic and environmental effects*** upon:
 - a) other existing areas (e.g. Dunstable town centre, other major centres in the sub-region including Luton, other commercial and industrial areas including the Woodside Industrial Estate) and
 - b) areas proposed for new development.
9. ***Compulsory acquisition***, including:
 - a) whether the compulsory powers sought in the proposed Order are fully justified, necessary and adequate to secure delivery of the project and reasonable in all the circumstances of the application, and
 - b) the adequacy, certainty and robustness of the funding arrangements for the project as a whole and for the proposed compulsory acquisition in particular.
10. ***Necessity for and timing of other consents and likelihood of approval***, including:
 - a) What other consents are or may be required in relation to statutory undertakers' infrastructure located within or close to the Order limits?
 - b) Is planning permission required for the proposed strategic development HRN1 and must a s106 agreement on funding of the A5-M1 Link Road and the Woodside Link Road be concluded before an Order could be made by the Secretary of State for the Woodside Link Road?
 - c) What other consents may be required (e.g. from the Secretary of State, from the Council, from the Environment Agency and from Natural England before construction of the proposed development could proceed?
11. ***Adequacy of the Development Consent Order*** – is the content and wording of the proposed Order properly justified, appropriate and consistent with good practice?

Annex D

Draft Timetable for examination of the application

Item	Matters	Relevant Dates
1	Preliminary Meeting (This is the start day for the purposes of determining the period of the Examination)	Tuesday 8 October 2013
2	Issue of: <input type="checkbox"/> Procedural timetable <input type="checkbox"/> Examining Authority (ExA) first written questions <input type="checkbox"/> Notification by ExA of date, time and place of Issue Specific Hearing (ISH)	Tuesday 15 October 2013
3	DEADLINE 1 for receipt by the ExA of: <input type="checkbox"/> Comments on relevant representations (RRs) <input type="checkbox"/> Any summaries of RRs exceeding 1500 words <input type="checkbox"/> Written representations (WRs) <input type="checkbox"/> Any summaries of WRs exceeding 1500 words <input type="checkbox"/> Local Impact Reports from local authorities <input type="checkbox"/> Responses to ExA's first written questions <input type="checkbox"/> Statements of Common Ground (SoCG) other than between CBC and the Highways Agency – see Annex E. <input type="checkbox"/> Notification of wish to make oral representations on the specific issue or issues being examined at any named Issue Specific (IS) hearing. <input type="checkbox"/> Notification of wish to be heard at a compulsory acquisition (CA) hearing by	Thursday 7 November 2013

	<p>affected persons</p> <p><input type="checkbox"/> Notification by interested parties (IPs) of any wish to be heard at an open floor (OF) hearing</p>	
4	<p>Day reserved for Issue Specific Hearing into:</p> <p><input type="checkbox"/> planning policy and development plan context,</p> <p><input type="checkbox"/> any sub-regional framework established or emerging following abolition of regional strategy</p> <p><input type="checkbox"/> relationships of project with A5-M1 Link and HRN strategic development in terms of phasing and funding interactions and inter-dependencies</p> <p><input type="checkbox"/> explanation of submitted draft DCO provisions</p>	Thursday 14 November 2013
5	<p>DEADLINE II for receipt by the ExA:</p> <p><input type="checkbox"/> Post-Hearing documents including any documents/amendments requested by the ExA at the Issue Specific Hearing</p>	Wednesday 20 November 2013
6	<p>Notification by ExA of confirmed date(s) time(s) and place(s) for:</p> <p><input type="checkbox"/> IS hearings (s91 PA 2008 Rule 13(3)(a) and Rule 8(1)(h))</p> <p><input type="checkbox"/> CA hearing (s92 PA 2008 and Rule 13(3)(b))</p> <p><input type="checkbox"/> OF hearings (s93 PA 2008 and Rule 13(3)(a))</p> <p><input type="checkbox"/> Accompanied site visits (Rule 16(3))</p>	Thursday 28 November 2013
7	<p>DEADLINE III for receipt by the ExA of:</p> <p><input type="checkbox"/> Comments on WRs and responses to comments on RRs</p> <p><input type="checkbox"/> Comments on LIRs</p> <p><input type="checkbox"/> Comments on responses to ExA's first</p>	Wednesday 18 December 2013

	written questions	
8	Issue of 2 nd ExA written questions	Friday 20 December 2013
9	<p>DEADLINE IV for receipt by ExA of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Responses to 2nd ExA questions, <input type="checkbox"/> Applicant's revised draft DCO, <input type="checkbox"/> Any updated SoCGs, <input type="checkbox"/> Any s174 obligations, and <input type="checkbox"/> Position statements from parties invited to Issue Specific Hearings 	Monday 13 January 2014
10	Date reserved for initial accompanied site visit to application site and surrounding area	Monday 20 January 2014
11	Day reserved for any IS hearings	Tuesday 21 January 2014
12	Day reserved for any CA hearings	Wednesday 22 January 2014
13	Day reserved for any OF hearings	Thursday 23 January 2014
14	<p>DEADLINE V for receipt by the ExA:</p> <p>Post-Hearing documents including any documents/amendments requested by the ExA at any IS, CA and/or OF Hearing</p>	Wednesday 29 January 2014
15	<p>DEADLINE VI for receipt by ExA of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Any comments on responses to ExA 2nd questions, <input type="checkbox"/> Applicant's revised draft DCO, and <input type="checkbox"/> Any s174 obligation 	Tuesday 4 February 2014
16	Time period reserved for any further unaccompanied or accompanied site visits arising out of the Examination and potential IS hearing on any alterations to	Tuesday 25 and Wednesday 26 February 2014

	draft DCO including its requirements.	
17	Deadline VII for receipt by ExA of: <input type="checkbox"/> Applicant's final preferred form of DCO, and any final s174 obligations	Wednesday 19 March 2014
18	<u>Deadline for close of Examination</u>	Wednesday 9 April 2014
<p>The Examining Authority is under a duty to complete its examination of the application by the end of the period of 6 months beginning with the day after the start day (s.98(1) PA 2008)</p>		

Annex E

Statements of Common Ground (SoCGs)

The Examining Authority will be assisted by the preparation of Statements of Common Ground (SoCGs). These are written statements prepared jointly by the applicant and other relevant parties and submitted to the examination by the applicant. The purpose is to agree factual information that should identify where there is agreement and where there is disagreement; highlighting the key outstanding issues.

SoCGs are usually between the applicant and other relevant parties. Other persons who may have a clear interest but no strong view can also be involved in their preparation. This ensures that they are consulted on emerging common ground between parties whose disagreement might affect their interest.

Parties are encouraged to consider the potential clarity that may be provided by a multi-party statement in relation to each topic. However, it is recognised that bi-party statements may also be of value.

SoCGs are formally requested after the preliminary meeting, when the procedural timetable is issued (see **Annex D** for the draft timetable), apart from item F which is requested in advance of the meeting.

Following his review of the application and relevant representations, the ExA has identified a number of potential SoCGs as listed below. There is scope for the applicant and relevant parties to work together to clarify areas of agreement and disagreement in advance of the preliminary meeting and the ExA would strongly encourage this.

Where organisations have commented on areas of concern, those comments have been included under the relevant headings below.

A. COMPULSORY POWERS – STATUTORY UNDERTAKERS’ LAND/APPARATUS (The applicant, relevant Statutory Undertakers (including National Grid))

Whether any statutory undertakers land may be acquired/apparatus removed or moved in view of the provisions of s127 and s138 of the Planning Act 2008.

National Grid RR comments

National Grid is currently in discussion with the promoter in relation to the impacts of the proposed scheme on its existing apparatus, however there are outstanding agreements to be reached between the parties in respect of this infrastructure which is located within or in close proximity to the proposed order limits. National Grid will continue to work with the promoter in respect of the impacts to apparatus.

National Grid Electricity Transmission plc RR comments

In respect of existing NGET infrastructure, NGET will require protective provisions to be included within the DCO to ensure that apparatus is adequately protected and to include compliance with relevant safety standards. In addition an asset protection

agreement may also be required in relation to specific assets located in very close proximity to the proposals. Discussions are ongoing between the parties.

National Grid Gas Distribution Infrastructure RR comments

In respect of existing NGG infrastructure, NGG will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity to gas apparatus.

B. CONSTRUCTION, OPERATION AND HUMAN HEALTH (the applicant, Environment Agency (EA), Public Health England (PHE) and relevant local authorities)

Construction and Operation effects – including:

- **Drainage and water supply**
- **Working hours**
- **Related land contamination impacts**

Environment Agency RR comments

- *A Preliminary Risk Assessment (PRA) should be provided which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a Conceptual Site Model (CSM) of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.*
- *As indicated in the Environmental Impact Assessment, Construction work is to be carried out around the Houghton and Ouzel Brook. During the construction, run off from the site could cause pollution to these watercourses.*
- *An Environmental Permit may be required if waste is to be used during the construction phase. The Scoping Report states that land levels will need to be raised.*
- *The Environmental Assessment Report states that vegetation removed from the construction area may be chipped on site and reused as a mulch. The chipping of waste vegetation is a waste operation and the person carrying out this activity must have firstly applied for and be issued with an Environmental Permit of an exemption from the need for a permit.*
- *We have reviewed the Flood Risk Assessment (FRA) and subsequent Modelling Report submitted as part of this application. There are some issues that need addressing before the model is fit for purpose, and as a result a revised FRA will be required. We have been communicating with the applicant and will review the revised information as soon as it is made available to us.*
- *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*
- *We are satisfied of the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing. The site overlies Principal aquifer in the underlying chalk. Principal aquifers are geological strata that exhibit high permeability and provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale. We are aware of private abstractions in the vicinity of the proposed development that will need to be protected and not derogated. These private abstractions must be afforded*

default Source Protection Zones (SPZs) in accordance with our Groundwater Protection principles B3. The local use of groundwater in the area makes the site vulnerable to pollution

Public Health England RR comments

- *The scoping opinion response previously submitted by the HPA indicated that the environmental statement (ES) should contain a separate section summarising the impact of the proposed development on public health. The documentation accompanying the application for a development consent order does NOT contain the specific section requested. PHE however notes that the public health impacts likely to arise from the impact of development on air, land and water have been adequately considered in the related sections of the environmental statement and is content with the environmental statement as submitted.*
- *The majority of the potential impacts on public health will be controlled by the implementation of a suitable and sufficient Construction and Environmental Management Plan (CEMP). PHE requests that, prior to the issuing of a development consent order, the Planning Inspector confirms that both the Environment Agency and Local Authority are satisfied with the proposals for control, mitigation and monitoring contained within the CEMP or equivalent document.*

C. HABITATS (the applicant and Natural England)

Effects upon ecology and habitats – including:

- **Effects on migratory and non-migratory birds habitats, food supply, movement, displacement, breeding and mortality rates.**
- **Effects on badger, reptiles, water vole and bats**

Natural England RR comments

- *Although it is stated in the Environmental Statement, Volume 1, Chapter 9 Nature Conservation (Page 157) that there are records of notable invertebrates within 1km of the site, the applicant has not provided an invertebrate survey. This should be undertaken so that mitigation can be targeted to specific species if found to be necessary following survey.*
- *Note that there are a number of invertebrate species which receive specific protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) that are known to be present in Houghton Regis according to the Bedfordshire and Luton Records Management Centre. These include the White letter hairstreak (satyrium w-album), Dingy skipper (Erynnis tages) and the small blue butterfly (Cupido minimus).*
- *We advise that appropriate mitigation should be provided, such as timing any works to avoid the season when bats are present in roosts, retaining trees and hedgerows and creating new roosting opportunities for bats. A suitably worded requirement for a bat mitigation strategy should be secured in the DCO if the application is approved*
- *water voles use Houghton Regis brook, checks for water vole will need to be carried prior for any works due to take place within 5m of the brook.*
- *There are evidently two badger outlier setts close to the site. As stated in the Ecological surveys document (page 41), checks for badgers will need to be carried out prior to the commencement of works as stated*

- *The vast majority of birds, including their nests and eggs, are protected under the Wildlife and Countryside Act 1981. Works should either take place outside the breeding season or, if taking place within the breeding season, they should stop immediately if a nest is found and not continue in that area until such time as the birds have fledged.*

D. LANDSCAPE, VISUAL IMPACTS AND DESIGN (applicant, NE, relevant local authorities)

Effects of the development on the landscape

Natural England RR comments

- *Natural England welcomes the Landscape Strategy as set out in the Environmental Statement, which may have a positive effect on the natural environment by increasing levels of woodland and chalk grassland around the site and providing ecological linkages between the relevant habitats and the Houghton Regis brook. This is in accordance with the principles set out in paragraph 109 and 118 of the National Planning Policy Framework. Natural England advises that the requirement for a **Landscape and Ecological Management Plan** should be secured by a suitably worded requirement in the DCO, if the project is approved.*

Luton Borough Council RR comments

- *requires a landscape management plan to be produced to manage and enhance the area between Wheatfield Road and Sandringham Drive to recognise the nature conservation value*

E. TRANSPORT AND TRAFFIC (applicant, relevant local highway authorities, Highways Agency)

Transport and Traffic effects – including

- **The adequacy of the relevant data in the Environmental Statement**
- **Traffic management plans**
- **Working arrangements during construction and operation**
- **Environmental effects**
- **In combination effects with other proposals**
- **Effects on other road users.**

Luton Borough Council RR comments

- *requires an economic appraisal and social distribution assessment to be provided in line with the Government's Transport Appraisal Guidance*
- *considers there is insufficient information on the proportion of HGVs using the Woodside Link, which is key to understanding the noise and air quality impacts;*
- *concerned about the safety implications of diverting the cycle crossing of the Woodside link to a point approximately 100 metres east of the existing Poynters Road junction.*

F. RELATIONSHIP OF THE PROJECT TO THE STRATEGIC ROAD NETWORK (applicant and Highways Agency)

The statement should set out the shared views and any disagreements between the applicant and Highways Agency regarding the following points:

- a clear statement of the overall strategy for improvement of the national road network in the wider area including the Dunstable and Luton sub-region;
- the strategic relationships in traffic and transportation terms between the proposed A5-M1 Link Road, the M1 widening, the proposed de-trunking of the existing A5 trunk road through urban Dunstable and the proposed Woodside Link Road;
- any other significant funding and practical relationships, including any dependency of the A5-M1 link road and Woodside Link Road upon funding related to the proposed HRN development and (in turn) any dependency of the HRN1 development upon the consenting and/or construction of the proposed Woodside Link Road;
- the substance of and inter-relationships between viability and phasing of the Woodside Link, A5-M1 Link and proposed HRN development

Note:

The ExA has not reached any conclusions regarding whether these suggested Statements of Common Ground are required or that the named parties should all be involved in their production.

Suggestions that they are not required, or that different / additional statements should be required, or suggestions that parties should be omitted or additional parties should be added should be submitted in writing at least one week before the Preliminary Meeting so that they may be considered at the meeting.

Annex F

Notice of appointment of Examining Authority – Rule 4 of the Infrastructure Planning (Examination Procedure) Rule 2010 (as amended)

Application by Central Bedfordshire Council for an Order Granting Development Consent for the Woodside to the M1 Link Road.

On 16 August 2013, a Single Examining Inspector was appointed to hold the examination of the application under s.61 and s.78 of the Planning Act 2008 as amended by the Localism Act 2011.

The Examining Inspector (“the Examining Authority”) appointed is:

- Glyn Roberts

Pauleen Lane

**Dr Pauleen Lane CBE FICE MBA
Group Manager National Infrastructure**

For and on behalf of the Secretary of State for Communities and Local Government

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.