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Your Ref:

Our Ref: TR010011

Date: 15 October 2013

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Dear Sir/Madam

## **Planning Act 2008 (as amended) - Section 89 and the Infrastructure Planning (Examination Procedure) Rules 2010 - Rule 8**

**Application by Central Bedfordshire Council for an Order Granting Development Consent for the Woodside Link Road located between Houghton Regis and the A5-M1 junction in Bedfordshire**

### **Notice of procedural decisions made following the Preliminary Meeting**

#### **1. Your Status in the Examination**

You (or your organisation) are registered as an Interested Party for the purposes of this examination and your unique reference number is shown at the top of this letter; please ensure that this number is quoted in any correspondence regarding this examination and at any hearing sessions that you attend.

**As an interested party you will be sent correspondence relating to the examination throughout the examination period of six months. This is in order to advise you of progress and to invite further participation. If you do not wish to participate any further in the proceedings please contact us in writing at the postal or email address above by 7 November 2013 to advise that you no longer wish to be regarded as an Interested Party<sup>1</sup>. If you do so you will no longer be sent correspondence about the examination.**

#### **2. Notice of procedural decisions made following the Preliminary Meeting**

This letter is to inform you about the procedural decisions made by the Examining Authority at and following the Preliminary Meeting held on 8 October 2013 at Central Bedfordshire Council, Watling House, High Street North, Dunstable, Bedfordshire, LU6 1LF. The letter provides the examination timetable and the initial questions that the Examining Authority is posing at the commencement of the examination.

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<sup>1</sup> Under s102 (1ZA) of the PA2008, as amended by the Localism Act 2011, persons identified as interested parties may notify the Examining authority in writing of their wish to cease to be an interested party.

note of the Preliminary Meeting will be made available on the Planning Inspectorate, National Infrastructure, Woodside Link Houghton Regis project page of the Planning Portal website and will also be available for inspection at the venues listed in Annex A as soon as practicable. An audio recording of the preliminary meeting has also been published on the website.

I am grateful to all those who attended and for all the views expressed at the Preliminary Meeting. All matters raised have been considered carefully.

I have now made a procedural decision about the way in which the application is to be examined. A copy of the procedural decision regarding the Assessment of Principal Issues that I have identified in relation to this application is enclosed with this letter at Annex B and the examination timetable that I have set is presented at Annex C.

At this initial stage I have made a limited number of changes to the draft timetable issued with my letter of invitation to the Preliminary Meeting (Rule 4 and 6 letter). Any flexibility to bring forward dates in the later stage of the Woodside Link examination is currently circumscribed by time commitments related to other proceedings. If those commitments change I may review the timetable to see whether it is possible to bring forward any of the later dates in order to allow earlier closure of the examination than provided for in the current timetable (subject of course to any issues or matters that may arise). In any event, progress with the earlier written stages of the process will be crucial to any review undertaken.'

### **3. Written questions**

**I have decided to ask a number of questions to the applicant and interested parties in order to receive further information about matters considered relevant to the application. These questions are set out in Annex E. Responses to them must be received on or before Thursday 7 November 2013.**

Be advised that I may write to interested parties with further questions or with a request for more information as the examination progresses. Written questions may therefore be posed at the timetabled dates and at any other time during the examination<sup>2</sup>.

**The Examining Authority now invites all interested parties to submit written representations and evidence on any matters concerning the application, and relevant representations already submitted, in accordance with the timetable set out in Annex C. Can any party who wishes to suggest any locations for an accompanied site visit please do so by Thursday 7 November 2013, which is also the deadline for any written representations to be submitted.**

Please send your representations to us using the email or postal address at the top of this letter quoting reference **TR010011** and your unique reference number, shown at the top of this letter.

Please note if you are submitting a written representation, you must identify those parts of the application or specific matters with which you agree and those parts with

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<sup>2</sup> Rule 17 EPR

which you do not agree. You must state the reasons for your disagreement and you may provide evidence and justification in support of the case presented.

#### **4. Guidance for the submission of written representations**

Representations can deal with any relevant matter. They are not restricted to the matters set out in the Examining Authority's initial assessment of principal issues which was discussed at the preliminary meeting, nor restricted to the questions set out in Annex E.

There is no particular form prescribed in law for written representations. In accordance with DCLG 'Planning Act 2008: Guidance for the examination of applications for development consent (April 2013)', participants should provide with their written statements, "*any data, methodology and assumptions used to support their submissions*".

Any written representation that exceeds 1500 words should also be accompanied by a summary. This summary should not exceed 10% of the original text. The summary should set out the key facts of the written representation and must be representative of the submission made.

**To assist in the timely processing of written representations to be submitted by the relevant deadline, I ask that interested parties send, where practicable, electronic copies of their submissions as email attachments to [woodside@infrastructure.gsi.gov.uk](mailto:woodside@infrastructure.gsi.gov.uk) by 12:00pm midnight on Thursday 7 November 2013.**

Electronic attachments should be clearly labelled with subject title and not exceed 12MB for each email. It is helpful if written requests to attend hearings are forwarded separately. Should electronic submissions include a technical document or documents of 300 pages or more, interested parties are advised to send to us, by post, an additional full paper copy of their submission.<sup>3</sup>

Timely submissions in advance of the deadlines set in the timetable are encouraged and welcomed. It would also be helpful if respondents could provide electronically duplicate copies of their submissions from which their signature and contact details have been covered up or deleted ('redacted').

#### **5. Availability and inspection of representations and documents**

Written representations, responses to relevant representations and to questions, local impact reports, comments or any other documents or information about the application, must be made available to all interested parties and to anyone who requests an opportunity to inspect and take copies of them.

We will make these available by publishing them as soon as practicable after they are received on the National Infrastructure, Woodside Link Road project pages on the Planning Portal website. We shall also provide an opportunity for inspection and

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<sup>3</sup> Subject to EPR Rule 10(6)(a), we request the applicant to supply 4 paper copies of their written representation(s) for the Examining Authority to use and make available for public inspection under Rule 21.3

copying at a number of locations in the vicinity of the application site. Notification of the deposit locations is included at Annex A.

## **6. Changes to the timetable**

If I need to vary the timetable set out in Annex C for any reason, then I shall inform you of the changes by letter. I shall also do this if the date, time and place of any hearing are changed, except in the event of an adjournment. However it should be noted that changes to the agenda for any particular hearing held may be changed at short notice. In this event details will be posted to the National Infrastructure website pages for the Woodside Link Project. Parties are therefore advised to check the website regularly in the period running up to relevant hearing dates.

## **7. Deadlines for receipt of documents and requests for hearings**

It is important to note that if written representations, responses to relevant representations and to written questions, local impact reports, further information or requests for hearings are not received by the dates specified in the timetable, the Examining Authority is permitted to disregard them.

## **8. Award of costs**

I also draw your attention to the possibility of the award of costs against any party who behaves unreasonably. You should be aware of the relevant costs policy that applies to National Infrastructure Projects. The policy is available on the National Infrastructure pages of the Planning Portal website.

## **9. Future notifications**

If you are an interested party you will continue to receive notifications from the Planning Inspectorate about the examination throughout the process. If you have received this letter because you attended the Preliminary Meeting but you are not an interested party you will **not** receive any further communication from us relating to this application. You can, however, visit the dedicated project page on the Planning Inspectorate's website to stay informed of the progress of the examination of this application. If you are a statutory consultee who has not made a relevant representation but wishes to become an interested party, you should inform me in writing as soon as possible by contacting the customer service email address (see head of letter) or by post.

## **10. Notice of Issue Specific Hearing**

Please be advised that an Issue Specific Hearing will be held on Friday 15 November 2013. Further details, along with the agenda for the hearing is set out In Annex D.

Yours Sincerely

*Glyn Roberts*

Glyn Roberts  
**Examining Authority**

**Annexes:**

- A. Availability of relevant representations and application documents
- B. Procedural decision
- C. Timetable for examination of the application
- D. Issue Specific Hearing Notification
- E. Examining Authority's First Round Written Questions

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 application documents**

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

<http://infrastructure.planningportal.gov.uk/projects/eastern/woodside-link-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

### PLANNING ACT 2008 ["PA 2008"] AND THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010 (EPR)

#### Procedural Decision regarding the proposed Woodside to the M1 Link Road

#### Assessment of Principal Issues

The following assessment of Principal Issues have been identified from an initial reading of the relevant DCO application documentation and plans and from consideration of the relevant representations submitted by Interested Parties. These issues are not listed in any particular order of significance or priority.

1. **Confirmation of NSIP status** - Notwithstanding the previous 'on balance of probabilities' acceptance of the application is the proposed project a Nationally Significant Infrastructure Project as defined by the Planning Act 2008 as amended? In particular does the purpose of the proposed project meet the test set out in s22(2)(b) of the Act.
2. **Planning and transport policies and programmes, cumulative effects and alternatives:**
  - a) Planning status of the proposal in relation to relevant adopted and emerging planning and transportation policies at national, sub-regional and local levels, (including development and transport plans and strategies);
  - b) cumulative effects – relationship with proposed new development that is yet to be granted planning permission or subject to an allocation in the statutory development plan - and
  - c) alternatives considered, including alternative transport/access strategies and alternative routeing.
3. **Traffic, safety and access effects** - Positive and negative traffic, 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) Technical approach to and adequacy of the transport assessment
  - 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 routeing.
  - 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.
  - g) Mitigation and monitoring of traffic-related effects.
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 and the adequacy of their assessment, mitigation and monitoring.

5. **Hydrological and drainage effects of the project, including any road drainage and water environment effects and flood risk** implications for properties in the area. Adequacy of assessment, mitigation and monitoring.
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). Adequacy of assessment, mitigation and monitoring.
7. **Mitigation of any significant ecological effects**, including any identified effects upon invertebrates. Adequacy of assessment, mitigation and monitoring.
8. **Economic, social and environmental effects** upon:
  - a) other existing areas (e.g. Dunstable town centre, other commercial and industrial areas including the Woodside Industrial Estate) and
  - b) areas proposed for new development
  - c) community and private assets.
  - d) Adequacy of assessment, mitigation and monitoring.
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 of the funding arrangements for the project as a whole and for the proposed compulsory acquisition in particular
  - c) any delivery-critical dependencies relevant to the application
  - d) the accuracy and comprehensiveness of the compulsory acquisition land referencing and procedural elements of the application.
10. **Necessity for 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 before an Order could be granted by the Secretary of State for the Woodside Link Road?
  - c) What other consents may be required (e.g. from the Environment Agency and 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 accurate, readily comprehensible, properly justified, appropriate and consistent with good practice?



## Annex C

### 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)	<b>Tuesday 8 October 2013</b>
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)	<b>Tuesday 15 October 2013</b>
3	<b>DEADLINE 1</b> 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"/> Suggestions by any party on locations to visit for the accompanied site visit  <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 issue specific or issues being examined at any named	<b>Thursday 7 November 2013</b>

	<p>Issue Specific (IS) hearing.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Notification of wish to be heard at a compulsory acquisition (CA) hearing by affected persons</li> <li><input type="checkbox"/> Notification by interested parties (IPs) of any wish to be heard at an open floor (OF) hearing</li> </ul>	
<b>4</b>	<p><b>DEADLINE II</b> for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Any additional information to be submitted by Houghton Regis Town Council regarding local traffic effects</li> </ul>	<b>Wednesday 13 November 2013</b>
<b>5</b>	<p>Day reserved for Issue Specific Hearing into:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> planning policy and development plan context,</li> <li><input type="checkbox"/> any sub-regional framework established or emerging following abolition of regional strategy</li> <li><input type="checkbox"/> relationships of project with A5-M1 Link and HRN strategic development in terms of phasing and funding interactions and inter-dependencies</li> <li><input type="checkbox"/> explanation of submitted draft DCO provisions</li> </ul>	<b>Friday 15 November 2013</b>
<b>6</b>	<p><b>DEADLINE III</b> for receipt by the ExA:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Post-Hearing documents including any documents/amendments requested by the ExA at the Issue Specific Hearing</li> </ul>	<b>Thursday 21 November 2013</b>
<b>7</b>	<p>Notification by ExA of confirmed date(s) time(s) and place(s) for:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> IS hearings (s91 PA 2008 Rule 13(3)(a) and Rule 8(1)(h))</li> <li><input type="checkbox"/> CA hearing (s92 PA 2008 and Rule 13(3)(b))</li> <li><input type="checkbox"/> OF hearings (s93 PA 2008 and Rule 13(3)(a))</li> </ul>	<b>Thursday 28 November 2013</b>

	<input type="checkbox"/> Accompanied site visits (Rule 16(3))	
<b>8</b>	<p><b>DEADLINE IV</b> for receipt by the ExA of:</p> <input type="checkbox"/> Comments on WRs and responses to comments on RRs	<b>Wednesday 4 December 2013</b>
	<input type="checkbox"/> Comments on LIRs	
	<input type="checkbox"/> Comments on responses to ExA's first written questions	
	<input type="checkbox"/> Comments on any additional information submitted by Houghton Regis Town Council	
<b>9</b>	Issue of 2 <sup>nd</sup> ExA written questions	<b>Friday 20 December 2013</b>
<b>10</b>	<p><b>DEADLINE V</b> for receipt by ExA of:</p> <input type="checkbox"/> Responses to 2 <sup>nd</sup> ExA questions,	<b>Monday 13 January 2014</b>
	<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	
<b>11</b>	Date reserved for accompanied site visit to application site and surrounding area	<b>Monday 20 January 2014</b>
<b>12</b>	Day reserved for any IS hearings	<b>Tuesday 21 January 2014</b>
<b>13</b>	Day reserved for any CA hearings	<b>Wednesday 22 January 2014</b>
<b>14</b>	Day reserved for any OF hearings	<b>Thursday 23 January 2014</b>
<b>15</b>	<p><b>DEADLINE VI</b> for receipt by the ExA:</p> Post-Hearing documents including any documents/amendments requested by the ExA at any IS, CA and/or OF Hearing	<b>Wednesday 29 January 2014</b>

<p><b>16</b></p>	<p><b>DEADLINE VII</b> for receipt by ExA of:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Any comments on responses to ExA 2<sup>nd</sup> questions,</li> <li><input type="checkbox"/> Applicant's revised draft DCO, and</li> <li><input type="checkbox"/> Any s174 obligation</li> </ul>	<p><b>Tuesday 4 February 2014</b></p>
<p><b>17</b></p>	<p>Time period reserved for any further unaccompanied or accompanied site visits arising out of the Examination and potential IS hearing on any alterations to draft DCO including its requirements.</p>	<p><b>Tuesday 25 and Wednesday 26 February 2014</b></p>
<p><b>18</b></p>	<p><b>Deadline VIII</b> for receipt by ExA of:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Applicant's final preferred form of DCO, and any final s174 obligations</li> </ul>	<p><b>Wednesday 19 March 2014</b></p>
<p><b>19</b></p>	<p><u>Deadline for close of Examination</u></p>	<p><b>Wednesday 8 April 2014</b></p>
<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 D

### Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 13

#### Application by Central Bedfordshire Council for an Order Granting Development Consent for the Woodside Link Road located between Houghton Regis and the A5-M1 junction in Bedfordshire

#### Notification of hearing

An issue specific hearing will be held on **Friday 15<sup>th</sup> November 2013**. Registration will begin at **09:30am** and the meeting is scheduled to start **at 10:00am** at **Central Bedfordshire Council**, Watling House, High Street North, Dunstable, Bedfordshire, LU6 1LF. It is anticipated that the hearing will extend through much of the day with breaks in the mid-morning, at lunchtime and (if appropriate) in the mid-afternoon.

Those interested parties who wish to speak at the hearing should notify Emré Williams, the Case Manager, at the postal or email address above by **Thursday 7 November 2013**. I should be grateful if you would inform us if you plan to attend the hearing even if you do not wish to speak. It would also assist us if you could notify us of any special needs you may have (eg disabled access, hearing loop etc). Please ensure that you include your interested party reference number in your correspondence.

The agenda for the hearing is outlined below. If you have any further queries, please do not hesitate to contact the case team via the contact details provided at the top of this letter.

#### Agenda

1. National planning policies
2. Sub-regional strategy/ies established or emerging following abolition of the regional strategy.
3. Transport Programmes and Strategies (national, sub-regional and local)
4. Alternative transport strategies and highway routeing alternatives considered.
5. Local planning policies, including the development plan context
6. Position in relation to other relevant projects and plans, including inter-dependencies, interactions and phasing
7. Overall approach taken in the submitted cumulative assessment
8. Explanation of submitted draft Development Consent Order provisions

## Annex E

### Examining Authority's First Round Written Questions

NB. They are principally addressed to the named parties but comments from other interested parties are welcomed. The questions are not set out according to any order of importance or hierarchy.

Q No:	Question to:	Question:
<b>NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT (NSIP) STATUS</b>		
1	<b>Applicant (Other parties may wish to comment)</b>	Have any recently-emerged legal or other factors (including recent High Court judgements) changed or otherwise affected the status of the submitted Woodside DCO application?
<b>PLANNING POLICIES, CUMULATIVE EFFECTS AND ALTERNATIVES</b>		
2	<b>Applicant, Luton Borough Council (Other parties may also wish to comment)</b>	<b>NATIONAL PLANNING POLICIES</b>
		(i) In the absence of a National Policy Statement for National Networks what are the relevant national planning policies that should be taken into account in assessing this DCO application?  (ii) The submitted Statement of Common Ground between the applicant and the Highways Agency makes it clear that (if consent was granted by the Secretary of State) delivery of the Woodside Connection project would be closely related to delivery of the proposed HRN1 development and the proposed A5-M1 Link. Are any national planning policies relevant to the assessment of any critical dependencies for the Woodside Connection project and these associated schemes?
3	<b>Applicant, Luton Borough Council, Highways Agency (Other parties may also wish to comment)</b>	<b>TRANSPORT PROGRAMMES AND STRATEGIES</b>
	<b>Highways Agency</b>	(i) What national, regional/sub-regional and local transport programmes and policies should be taken into account in relation to the examination of the Woodside Connection DCO application?  (ii) Can the Highways Agency explain the current status and assumed timing of the A5-M1 Link in the relevant published transport programme and whether its construction is proposed within

Q No:	Question to:	Question:
		any adopted or emerging strategies that may be applicable?
4	<b>Applicant, Luton Borough Council (Other parties may also wish to comment)</b>	<p><b>SUB-REGIONAL STRATEGY</b></p> <p>(i) Has any sub-regional strategy been prepared and adopted by the relevant Local Economic Partnership or any equivalent sub-regional partnership? If so, what status does any such document enjoy for planning purposes, if any?</p> <p>(ii) If any sub-regional strategy has been prepared and adopted, does that strategy include the HRN proposals and the closely-related related infrastructure proposals including the Woodside Connection and the A5-M1 Link?</p>
5	<b>Applicant (Other parties may also wish to comment)</b>	<p><b>LOCAL PLANNING POLICIES</b></p> <p>(i) Can the applicant confirm the current status of and position regarding the relevant statutory Development Plan documents and any other relevant local planning policies prepared by CBC? What are the timescales for any emerging documents that may be relevant to the application under examination or to other associated strategic projects?</p>
	<b>Luton Borough Council (Other parties may also wish to comment)</b>	<p>(ii) Can Luton Borough Council confirm the position in relation to any relevant strategic or policy documents that authorities other than the applicant have adopted or that are in preparation?</p>
6	<b>Local Authorities (Other parties may also wish to comment)</b>	<p><b>POSITION IN RELATION TO OTHER RELEVANT PROJECTS AND PLANS</b></p> <p>(i) What is the position in relation to other relevant projects or plans, including the proposed HRN development and any review of the relevant Green Belt boundaries in the part of the sub-region where the Woodside Link is proposed to be located?</p>
	<b>Applicant, Luton Borough Council (Other parties may also wish to comment)</b>	<p>(ii) In the context of the Woodside DCO examination what other relevant and important policy issues should be taken into consideration, if any, over and above the elements addressed in the questions set out above?</p>
7	<b>Any Party</b>	<p><b>OVERALL APPROACH TO CUMULATIVE ASSESSMENT</b></p> <p>(i) The Environmental Statement states that if the scheme was considered in combination with</p>

Q No:	Question to:	Question:
		<p>the Houghton Regis North development (HRN1) the effects identified would not lead to any additional effects that would not arise from the developments considered separately (Environmental Statement paragraph 11.4.28). This appears to restrict the consideration of cumulative effects to synergistic effects that would arise as a result of the combined development and ignores other combined effects generated by Woodside Link and other developments. Does this approach deal adequately with assessment of cumulative effects?</p> <p>(ii) Does any other party wish to comment regarding the matters that should be taken into account in any cumulative assessment included within the Woodside Link DCO application?</p> <p>(iii) The cumulative assessment in the applicant's Environmental Statement (ES) appears to refer to and rely on cumulative assessments included in other documents that are not submitted to this examination, including the cumulative assessment set out in the HRN application currently lodged with the Central Bedfordshire Council. The applicant is requested to rectify this position by submitting an appropriate cumulative assessment for the Woodside Connection by Deadline I in the examination timetable. The plans and projects to be taken into account in the assessment should be agreed with relevant parties including relevant adjoining local authorities prior to submission.</p>
8	Applicant	<p><b>ALTERNATIVES CONSIDERED</b></p> <p>(i) The Environmental Statement contains limited information regarding the alternative access options considered prior to selection of a new highway as the preferred solution to the objectives identified in the Woodside DCO application in relation to the purpose of the project. Can the applicant submit a summary table:</p> <p>a) including information describing what other alternatives to construction of a new highway in the form of the Woodside Link were considered before selection of the proposed project approach;</p> <p>b) setting out the reasons for their rejection, and</p> <p>c) identifying the reasons for selecting the preferred project approach now reflected in the Woodside DCO application proposals?</p>



Q No:	Question to:	Question:
		(ii) In relation to the Woodside Link highway project can the applicant set out in a summary comparison table what alternative routes to current proposed alignment were considered, the reasons why these were rejected and the reasons why the proposed alignment was selected?
<b>TRANSPORT ASSESSMENT</b>		
9	<b>Applicant</b>	<b>APPROACH</b>
		(i) Can the applicant summarise its approach to the assessment of the existing highway network and the traffic and transport implications of the various inter-related proposed developments?
10	<b>Highways Agency</b>	<b>DATA, METHODOLOGY AND ASSUMPTIONS</b>
		(i) Can the Highways Agency confirm that it is satisfied that the data and methodology used by the applicant as the basis for the transport assessment is robust and that it is appropriate for the purposes of this particular assessment? Are there any reservations regarding the technical aspects of the assessment and if so what are they and how significant are they to the conclusions reached?
	<b>Applicant, Highways Agency and Luton Borough Council</b>	<p>(ii) The transport assessment has been based on a model produced and maintained by AECOM on behalf of Central Bedfordshire Council which is referred to in the Environmental Statement as the Central Bedfordshire and Luton Transport Model (CBLTM). The modelling software used was SATURN (one of the models recognised by the Design Manual for Roads and Bridges produced by the Highways Agency). The model was chosen to support the design of the highway and junctions. However the Environmental Statement states that the SATURN modelling used does not provide the information required for assessment of noise and air quality effects. The inputs that are required for noise and air quality effects are described in the Environmental Statement paragraphs 3.2.5-3.2.6. As the model does not provide information on the relevant traffic levels they have been derived from the AM, PM and inter-peak flows. Details of the conversion factors used are provided in Environmental Statement Appendix E.</p> <p>a) Can the applicant explain the source and evidence base for these factors? (Applicant)  b) Do the Highways Agency and Luton Borough Council agree that the conversion factors used are robust and reasonable? (Highways Agency, Luton Borough Council)</p>

Q No:	Question to:	Question:
	<b>Applicant</b>	<p>(iii) Table 2 of the transport assessment gives the 24 hour Annual Average Daily Traffic (AADT) for Woodside Link and the distributor roads immediately around for each of the development scenarios. Table 3 shows the AADT for other important links in the area for the same scenarios and for the 'do nothing' option. It is not clear why these particular links were chosen. Can the applicant provide an explanation?</p> <p>(iv) The criteria for determining the significance of effects considered within the transport assessment are defined in Section 3.6 of the assessment. They focus on the effects upon existing traffic links. The four categories are:</p> <ul style="list-style-type: none"> <li>• Significant adverse (more than 20% increase in traffic)</li> <li>• Adverse (2-20% increase in traffic)</li> <li>• Negligible (2% increase or decrease in traffic)</li> <li>• Benefit (reduction of more than 2% in traffic)</li> </ul> <p>No explanation or justification is provided for these criteria. Can the applicant clarify?</p> <p>(v) Table 4 of the transport assessment shows the effects on key links for Woodside Link and for full development (this includes the HRN1 development). Table 4 uses the significance descriptors ('Negligible', 'Adverse' etc) to describe the changes, rather than giving the % changes for each road. Can the applicant provide a map or diagram illustrating the relevant % changes in traffic flow on each of the key links assessed?</p> <p>(vi) Beyond the information described above, no information on the outputs of the traffic modelling is provided within the Environmental Statement. Luton Borough Council's relevant representation has highlighted the absence of information regarding the predicted number or percentage of HGVs likely to be using the Woodside Link. Can the applicant now submit this information or explain why it cannot do so?</p> <p>(vii) In addition to the points queried above, the transport assessment does not seem to identify and evaluate the significance of the changes to traffic flow (and therefore implications for the local community) after the design standards and any other mitigation has been taken</p>

Q No:	Question to:	Question:
		<p>into account. Can the applicant provide further information to address this point?</p> <p>(viii) Section 9.1 of the transport assessment states that Central Bedfordshire Council will work with the affected local authorities and highways authorities to consult and implement various highway improvement measures that are not currently within the Development Consent Order. It is not clear whether these measures are intended as specific mitigation measures for increases in traffic as a result of Woodside Link or just as measures intended for the general improvement of the road network. Can the applicant clarify?</p> <p>(ix) It is not clear how the study area has been defined within the CBLTM or what parameters were used when developing it. The Environmental Statement states that the model validation was completed in June 2012 and published by AECOM (paragraph 3.2.3) in the 'Houghton Regis Model Improvements Local Model Validation Report'. However the validation report was not provided with the application documents. In general there is little description in the Environmental Statement of the methodology used, other than the references to the model. Can the applicant submit the AECOM report and provide further information regarding the methodology and parameters that were used when developing it?</p>
	<p><b>Applicant, Luton Borough Council</b></p>	<p>(x) The development scenarios considered for the traffic model include one which assesses the effect of Houghton Regis North 1 (already the subject of an outline planning application) and a second which includes HRN1, additional development referred to as HN2 and minor development closer to Woodside Link. As the impacts of each scenario varies depending on the particular road link under consideration a 'worst case scenario' has been put together which combines the effects of both. The results of the scenario referred to as Test 4/9 are reported in Tables 2, 3 and 4 of the transport assessment. The Environmental Statement states that in addition, an area to the north of Luton is included within Central Bedfordshire's Development Strategy and this will have an impact on Woodside Link. However as this proposal is only in the early stages of development and there is no specific timescale yet it has not been take into account. It is also assumed that as the development would require Environmental Impact Assessment any cumulative impacts would be considered when the proposal was submitted (paragraph 8.1.8). In the light of the relevant EU Environmental Impact Assessment Directive and UK implementing Environmental Impact Assessment regulations and having regard to the 'duty to cooperate', can both the applicant and Luton Borough Council confirm how far the</p>

Q No:	Question to:	Question:
		Development Strategy has progressed and provide a view as to whether the area north of Luton needs to be included in the cumulative impact assessment and to be considered in relation to the 'worst case' scenario?
	<b>Highways Agency, Luton Borough Council</b>	(xi) Do the Highways Agency and Luton Borough Council agree with the choice of model(s) and how it/they have been applied?
	<b>Luton Borough Council</b>	(xii) Can Luton Borough Council provide further detail in relation to its concerns regarding the assessment?
	<b>Any other parties</b>	(xiii) Do any other parties wish to comment upon the transport assessment information submitted?
<b>11</b>	<b>Applicant (Other parties may also wish to comment)</b>	<p><b>MAIN CONCLUSIONS OF TRANSPORT ASSESSMENT</b></p> <p>(i) Can the applicant highlight the main traffic effects of project upon the existing highway network and summarise its explanation of the likely position at the relevant assessment dates</p> <p>a) if the Woodside Connection project was not constructed,</p> <p>b) if project were to be constructed, taking into account the interdependencies outlined in the statement of common ground with the Highways Agency, i.e. that the HRN1 development and the A5-M1 Link could not be built if Woodside Link was not constructed?</p>
<b>12</b>	<b>Applicant (Other parties may also wish to comment)</b>	<p><b>MITIGATION MEASURES</b></p> <p>(i) Section 9.1 of the transport assessment states that Central Bedfordshire Council will work with the affected local authorities and highways authorities to consult and implement various highway improvement measures that are not currently within the Development Consent Order. It is not clear whether these measures are intended as specific mitigation measures for increases in traffic as a result of Woodside Link or just as measures intended for the general improvement of the road network. Can the applicant clarify?</p> <p>(ii) Mitigation measures: The proposed transport effects mitigation measures are listed in Sections 9.2 and 9.3 of the transport assessment. They include weight restrictions (to prevent access by HGVs), speed control measures and a signing strategy. They are not part of the DCO;</p>

Q No:	Question to:	Question:
		<p>instead the measures will be progressed separately under the two highways authorities' own powers. Does this approach afford local communities sufficient guarantees that adequate mitigation will be delivered (assuming that these measures are intended as mitigation for the impacts of the scheme)? Should all relevant mitigation be provided for within the terms of the DCO?</p>
	<b>Applicant</b>	<p>(iii) The CBLTM predicts that the junction at Sundon Road/Sundon Park Road 'T' junction is likely to be under stress from increased traffic levels. It will require a revised junction layout at some point between 2016 and 2031 (transport assessment paragraph 9.2.4). The layout should be reviewed after all the infrastructure has been completed (it is not clear what is covered by the phrase 'all the infrastructure' in this instance and whether it includes all the proposed housing development in the vicinity). The Environmental Statement states that improvements may not be required if the proposed M1-A6 road is completed. Can the applicant clarify what is meant by the unclear phrase 'all the infrastructure' in this context and whether it includes the range of housing developments proposed or subject to emerging proposals?</p>
	<b>Any Party</b>	<p>(iv) The CBLTM also predicts that the junction between Sundon Road/Luton Road (A5-M1 Local Roads east roundabout) should have sufficient capacity to cope with projected traffic levels but that this may be revised 'once all proposed infrastructure has been completed'. Does this approach provide sufficient guarantees to local communities that adequate traffic effects mitigation will be delivered, together with the closely related to noise and air quality mitigation?</p>
<b>13</b>	<b>Highways Agency</b>	<p><b>OTHER RELEVANT MATTERS</b></p> <p>(i) Can the Highways Agency confirm whether the A5 trunk road could be de-trunked (as proposed in the De-trunking Order recently published by the Secretary of State) if the Woodside Link was not constructed, bearing in mind the interdependencies confirmed in the statement of common ground agreed between the applicant and the Agency?</p>
	<b>Applicant (Other parties may also wish to comment)</b>	<p>(ii) Can the applicant summarise the main positive and negative access effects of the construction and operational phases of the proposed project, including effects upon access to:</p> <ul style="list-style-type: none"> <li>a) existing housing and commercial areas,</li> <li>b) proposed development sites and</li> <li>c) the national highway network and any local highways other than those covered in relation to (a) above,</li> <li>d) the pedestrian and cycle network?</li> </ul>

Q No:	Question to:	Question:
	<b>Highways Agency, Local authorities, other parties including Houghton Regis Parish Council and local residents</b>	(iii) What would be the main road safety effects of: a) the proposed Woodside Link and b) inter-related proposals including the HRN development and the A5-M1 Link upon the existing national and local networks, including any likely positive and negative effects? This question relates to the safety of all road users, including drivers and their passengers, pedestrians, cyclists and any other road users.
<b>COMMUNITY AND PRIVATE ASSETS</b>		
<b>14</b>	<b>Applicant (Other parties may also wish to comment)</b>	(i) In relation to community and private assets the study area has been defined as a corridor 500m to either side of the route, together with any land beyond that corridor which is within the same ownership and also any community facilities beyond that distance which may be affected by the scheme (Environmental Statement paragraph 11.1.6). No justification is provided for the selection of the study area. Can the applicant provide evidence to justify its selection of the study area concerned, bearing in mind the concerns expressed by Luton Borough Council regarding the adequacy of the Woodside Link Environmental Statement in its relevant representation?
	<b>Applicant</b>	(ii) Effects on development land (Environmental Statement paragraph 11.4.25) and above and below ground services are also briefly discussed (Environmental Statement paragraphs 11.3.5-11.3.8). Can the applicant provide further details of the bases for its conclusions in relation to these matters?  (iii) Mitigation measures in relation to effects on community assets and above/below ground services are described in Section 11.3 of the ES. These are: - the provision of crossings; - diversions of Public Rights of Way; - the provision of replacement public open space for the land that has been lost; - management to enhance the existing areas of open space that would be retained; - transfer of overhead electricity lines to an underground route; - full survey of all underground services in the vicinity of construction works to be carried out in advance of works; and - if necessary diversions will be carried out.

Q No:	Question to:	Question:
		<p>Diversion and protection of public utility apparatus is referred to in the description of the works for which consent is being sought in Schedule 1 of the draft DCO.</p> <p>Can the applicant submit a summary in tabular form indicating how it has addressed all mitigation requirements identified within the Environmental Statement within the terms of the draft DCO and where these provisions may be found within the document?</p> <p>(iv) Can the applicant confirm in a summary table supported by a suitably annotated plan on an Ordnance Survey base:</p> <ul style="list-style-type: none"> <li>a) what above- or below-ground infrastructure is proposed to be removed, relocated and/or replaced;</li> <li>b) where these items of equipment are located in relation to the Woodside Link works identified in the draft Works Plan and draft Order;</li> <li>c) to which statutory undertaker or other owner the relevant infrastructure belongs and whether and how the interests concerned are fully reflected in the Book of Reference;</li> <li>d) what is proposed to be done with the equipment concerned;</li> <li>e) when the equipment interference operations are likely to take place in relation to the assumed timing of the Woodside Link project;</li> <li>f) whether any relevant protective provisions and commercial agreements have been agreed with the owners by the applicant, and</li> <li>g) whether the ExA may need to consider the engagement of any provisions within s127 or s138 of the Planning Act 2008 (as amended) in relation to the infrastructures identified (or any other infrastructure)?</li> </ul> <p>(v) It is noted that National Grid's relevant representation indicates that it is still in discussion with the applicant regarding potential impacts on its existing apparatus. The company has outlined the requirements it would like to see included within the DCO to protect its interests. Can the applicant provide an update regarding progress in securing agreement about this matter? Are there any implications for the wording of the submitted draft DCO? <b>(National Grid may also wish to comment)</b></p> <p>(vi) The applicant is requested to submit any applications under s127 of the Planning Act 2008</p>

Q No:	Question to:	Question:
		<p>that may be required by the deadline for responses to these questions.</p> <p>(vii) Can the applicant confirm whether any other provisions of s130 – s139 of the Planning Act 2008 (as amended) may be engaged as a result of the proposals apart from s127 and s138?</p>
15	Any Party	<p><b>AGRICULTURAL LAND AND LOCAL FARMING OPERATIONS</b></p> <p>(i) Does any party wish to comment regarding the effects of the proposed project in relation to agricultural land and local farming operations?</p>
	Applicant (Other parties may also wish to comment)	<p>(ii) In relation to Chalton Cross Farm it is difficult to see from the draft Order where the mitigation referred to in the Environmental Statement at paragraph 11.4.5 has been secured within the DCO. Neither is it clear from the submitted information that any other arrangement has been made to ensure adequate mitigation outside the scope of the Order. Can the applicant clarify?</p>
16	Any Party	<p><b>EFFECTS ON COMMUNITY OPEN SPACE ASSETS AND OTHER GREEN SPACES</b></p>
		<p>Does any party wish to comment regarding the effects of the proposed project in relation to community open space or other recreation and leisure related assets or green spaces?</p>
17	Applicant, Luton Borough Council (Other parties may also wish to comment)	<p><b>EFFECTS ON ACCESS TO COMMUNITY ASSETS</b></p> <p>(i) The Environmental Statement states that there would be no major disruption to existing routes or to people's ability to access facilities (ES paragraph 11.4.17). This assessment depends on the provision of mitigation in the form of Toucan crossings. However when the Design Manual for Roads and Bridges criteria on assessing severance or relief of severance is applied, severe effects are identified (Environmental Statement Table 11.3). Paragraphs 11.4.20-11.4.24 of the Environmental Statement discuss the value of the methods in the Design Manual for Roads and Bridges guidance and puts forward reasons as to why the effect should not be viewed as severe. Are the reasons put forward sufficient to justify this conclusion?</p>
	Applicant	<p>(ii) In the Environmental Statement assessment of local pedestrian and cycle facilities, two counts of pedestrian and cycle use were undertaken in 2010 at locations shown in Figure 11.1. The locations were apparently chosen to get an idea of the number of movements across the area covered by the scheme (Environmental Statement paragraph 11.2.6). The results of the</p>



Q No:	Question to:	Question:
		counts are given in Table 11.1 of the Environmental Statement. However no justification is provided for the choice of count locations, nor for the number of counts carried out. Can the applicant provide further clarification?
	<b>Applicant (Other parties may also wish to comment)</b>	(iii) What monitoring of potential effects upon Community and Private Assets is proposed and should be included in the Order?
<b>ROAD DRAINAGE AND THE WATER ENVIRONMENT</b>		
<b>18</b>	<b>Applicant, Environmental Agency (Other parties may also wish to comment)</b>	<b>HYDROLOGICAL AND DRAINAGE EFFECTS OF THE PROJECT, INCLUDING ANY FLOOD RISK</b>
		(i) Paragraphs 6.6.12 to 6.6.17 of the Environmental Statement describe the assessment of effects on water quality for the operational phase of the project using the HAWRAT model. The first run of the HAWRAT model indicated unacceptable impacts in the opening year of the scheme because of sediment build-up. The second run of the model assumed that Houghton Brook would be periodically de-silted and cleared of debris (Environmental Statement paragraphs 6.6.16 to 6.6.17). Provision for this maintenance operation is made in the Landscape and Ecology Plan in Appendix 10.2 to the Environmental Statement. It is noted that requirement 5 of the draft DCO, which covers the production of the Landscape and Ecology Plan, does not refer to regular management of Houghton Brook. The mitigation recommended by the Environmental Statement assessment and which forms the basis for its conclusions as to significance of post-mitigation impact relies on regular de-silting of the brook. Does the draft Order provide sufficient certainty that the necessary mitigation will be delivered?
<b>19</b>	<b>Applicant</b>	<b>WATER QUALITY</b>
		The Environmental Statement states that groundwater could be affected during the operational phase from routine run-off. The effects have been assessed using Method C of HD 45/09 (Design Manual for Roads and Bridges Volume 11, Section 3, Part 10). The results are given in Table 6.7 of the Environmental Statement. No explanation is given for the choice of parameters used in the assessment. Can the applicant clarify?

Q No:	Question to:	Question:
20	<b>Applicant (Other parties may also wish to comment)</b>	<p><b>FLOOD RISK</b></p> <p>(i) The ES assessment indicates that flood risk due to fluvial flooding would be increased from a small area immediately upstream of the proposed bridge at Ch1770. It is concluded though that because this area is currently agricultural land there would be no significant effects on property or infrastructure (paragraph 6.6.31 of the Environmental Statement). It is not clear however whether this area could eventually be part of the HRN1 development. Can the applicant clarify?</p>
	<b>Applicant</b>	<p>(ii) Flood Risk Assessment - In its relevant representations the Environment Agency advises that it has been working closely with the applicant. However it also indicates that some changes to the hydraulic model are required before it is fit for purpose. This means that a new Flood Risk Assessment will be required. Can the applicant confirm whether it accepts the EA's view and, if so, when the new assessment is likely to be made available and whether it has been agreed with the EA?</p> <p>(iii) Unlike other chapters of the Environmental Statement the baseline used for the assessment of effects on the water environment is the existing situation. It does not include the effects of the A5-M1 Link (ES paragraph 6.8.2). The Environmental Statement for the HRN1 housing development apparently assesses the cumulative impacts of that development with Woodside Link and concludes that there would be no significant effects (ES paragraph 6.8.2). However it is noted that the relevant water environment effects identified in the ES for the HRN1 development are not presented or summarised within the ES for the Woodside Link application.</p> <p>The cumulative effects of Woodside Link considered alongside the A5-M1 Link are assessed qualitatively on the basis of the information in the ES related to the A5-M1 Link proposals. It is noted that the ES for the A5-M1 Link is not presented or summarised within the ES for the Woodside Link application (paragraph 6.8.3 of the ES). It is suggested in the Woodside Link Environmental Statement that the risk to the aquifer below the scheme from accidental spillage would increase but the total effect is assessed as being of slight significance. No evidence is presented to corroborate this statement.</p>

Q No:	Question to:	Question:
		As part of the submission of a cumulative assessment that takes account of the HRN1 development and A5-M1 link can the applicant ensure that the points identified above are fully addressed within information submitted to this examination?
21	<b>Applicant (The Environment Agency and other parties may also wish to comment)</b>	<p><b>MITIGATION AND MONITORING</b></p> <p>(i) Mitigation measures are described in Section 6.5. Much of the mitigation of effects arising from construction relies on the Construction Environmental Management Plan. An outline version of the plan is included in Technical Appendix 2.2 of the Environmental Statement. Requirement 7 of the draft DCO requires delivery of this plan before construction can begin and suggests some of the areas that must be covered by the plan. However there is no reference within requirement 7 to measures that would avoid impacts on water quality, although Requirement 15 provides for the safeguarding of watercourses and drainage. Can the applicant give further consideration to this point and indicate whether and how it wishes to take this into account within the draft Order?</p> <p>(ii) Mitigation of flood risk during construction will be dealt with through the production of an emergency flood risk plan (paragraph 6.5.5 of the Environmental Statement). This measure does not appear to be secured through a requirement in the draft DCO. Can the applicant confirm whether and how it proposes to address flood risk during construction?</p>
	<b>Applicant, Environment Agency</b>	<p>(iii) Mitigation of water environment effects from the operation of the Woodside Link seems to be mainly addressed in the applicant's proposals through the design of the Sustainable Urban Drainage System (SUDS), which is intended to intercept water run-off and remove pollutants from run-off near source (paragraph 6.5.9 of the Environmental Statement). Details of the drainage proposals are given in Chapter 2 of the Environmental Statement and shown in Figures 2.8 to 2.10. Houghton Brook will be diverted to reduce the number of crossings required, presumably to reduce the number of 'pinch points' where water flow would be restricted. The diversion of the brook is not included in the list of works in Schedule 1 of the draft DCO but reference is made in the Environmental Statement to the need to obtain a Flood Defence Consent from the Environment Agency which may provide the necessary consent. Can the applicant clarify the position in relation to the diversion of the Houghton Brook? Can the Environment Agency confirm that it is comfortable with the principle of such a diversion in relation to any Flood Defence Consent that may be required?</p>

Q No:	Question to:	Question:
		<p>(iv) The Environment Agency's relevant representation suggests wording for a number of requirements that it proposes should be attached to the DCO in order to protect the principal aquifer below the scheme. It also advises that a requirement should be attached to the DCO that would prevent development beginning before a scheme for surface water disposal has been submitted. It further indicates that infiltration measures (such as the proposed SUDS drainage system) should only be used where it can be demonstrated that they will not pose a risk to groundwater quality. Can the applicant indicate whether it accepts the Environment Agency's suggestions and, if so, how it proposes to take into account the Agency's recommendations regarding the wording of the draft Order? Further, as the use of a SUDS system is key to the final impact assessed in the Environmental Statement can the applicant and the Environment Agency confirm whether this latter requirement is considered feasible?</p>
	<p><b>Applicant (Other parties may also wish to comment)</b></p>	<p>(v) What monitoring of the effects of the project upon the water environment, water quality, hydrology and flood risk is proposed in the project and what provision should be included in the Order?</p>
<p><b>LANDSCAPE AND VISUAL EFFECTS OF THE PROJECT</b></p>		
<p>22</p>	<p><b>Applicant</b></p>	<p><b>LANDSCAPE AND VISUAL ASSESSMENT METHODOLOGY</b></p> <p>(i) A detailed description of the landscape and visual assessment methodology used in the Environmental Statement is provided in Chapter 10 Appendix 10.1. The location of photographic viewpoints and visual receptors is shown on Figures 10.9 to 10.11. It is not clear whether any other field work has been undertaken to support the assessment of visual effects. Can the applicant provide any further information or clarification regarding this point?</p> <p>(ii) The Zone of Visual Influence has been defined by estimating the area from which the development would be visible but the Environmental Statement states that in practice some limited views of the scheme may be visible from more distant properties or elevated, distant vantage points (paragraph 14 of Technical Appendix 10.1). The estimated Zone of Visual Influence is shown in Figure 10.8 which includes a note stating that the extent shown for the visual envelope is approximate and only indicates the area within which the most significant visual effects may be experienced. There may be distant views from outside the visual envelope</p>

Q No:	Question to:	Question:
		<p>and there may also be areas within the visual envelope with no views due to local screening. The study area appears to have been defined by the ZVI although this is not explicitly stated (see paragraph 10.1.10 of the Environmental Statement). Can the applicant confirm that the ExA's understanding of the position outlined above is accurate?</p> <p>(iii) The assessment of night time landscape and visual effects is only presented for the opening year of the scheme. The Environmental Statement does not explain why no assessment for the effects in year 15 has been presented. Can the applicant provide further information and comment regarding this point?</p> <p>(iv) The Environmental Statement states that the road lighting would be seen in the context of existing lighting in the surrounding area, including the lighting around the proposed Junction 11A. The Environmental Statement also states that night time landscape effects for the area north of Parkside Drive would be experienced at a slightly higher level at night than during the day. For the area to the south of Parkside Drive they would be lower than the predicted day time landscape effects. The Environmental Statement does not quantify the changes. Nor does it explain whether any of the effects have shifted from one significance category to another e.g. from slight adverse to moderate adverse. Can the applicant provide further information and explanation regarding these points?</p>
	<b>Any party</b>	(v) Do any other parties wish to comment on the Landscape and Visual Assessment Methodology, including the approach adopted to definition of the Zone of Visual Influence?
23	<b>Any Party</b>	<p><b>LANDSCAPE AND VISUAL ASSESSMENT CONCLUSION</b></p> <p>(i) The assessment of landscape change to the south of Parkside Drive is assessed as being moderate because the scheme would run through a relatively narrow and enclosed corridor. The presence of existing roads, the nature of the existing landscape and the proposal to remove some of the pylons are all predicted to reduce the impact of the scheme. Are these assertions reasonable in the circumstances of this proposed project given the proposed change from the current appearance of the area and the proximity of a large number of residential properties and occupiers?</p>

Q No:	Question to:	Question:
		<p>(ii) For the area to the south of Parkside Drive, the significance of the landscape effects is assessed as being slight to moderate adverse for the first winter, reducing to slight adverse in year 15. This is based on the screening effect of the proposed planting (paragraphs 10.5.15-10.5.17 of the Environmental Statement). The assessment takes into account the two proposed bridges over Houghton Brook. The effects of landscape change are summarised in Table 10.2 of the Environmental Statement. Is this assessment considered reasonable in the circumstances of this proposal?</p> <p>(iii) Visual effects for groups of receptors (residential properties, users of Public Rights of Way, people using the area for informal recreation and road users) are listed in paragraph 10.5.21 and listed in the Visual Effects Schedule in Table 10.3 of the Environmental Statement. It is not stated explicitly but the text in paragraph 10.5.21 appears to be referring to the effects in the first winter after the scheme opens when a number of properties are predicted to experience significant adverse effects. By year 15, the assessment indicates that only the properties at the western end of Wheatfield Road on the south side are expected to still experience significant adverse effects. Effects on road users and users of Public Rights of Way are assessed as being neutral. Effects on user of the informal open space to the south of Parkside Drive are assessed as being moderate because in year 15 the new road would remain visible to open space users. Do all parties agree with these conclusions regarding the visual effects of the proposed project, bearing in mind that they do not appear to take into account the cumulative effect of the Woodside Connection when assessed in combination with the HRN development scheme and the A5-M1 Link?</p> <p>(iv) Given that i) the proposed Woodside Connection could not be opened in the absence of relevant sections of the A5-M1 Link, and that ii) the funding for the latter project is, in turn, dependent on the HRN development (as stated in the SoCG agreed between the Applicant and the HA), how would the cumulative landscape and visual effects of all these proposed schemes impact upon the properties and occupiers associated with the HRN development and on existing properties, their occupiers and the range of other receptors identified in the Woodside Connection Environmental Statement?</p>

Q No:	Question to:	Question:
	<b>Applicant</b>	<p>(v) The Environmental Statement concludes that effects during construction are expected to be broadly similar to those for the first winter after the scheme opening for all receptors apart from Chalton Cross Farm (paragraph 10.5.29). In that case the presence of the proposed construction compound means that the farmhouse would experience large adverse effects during construction. However the Environmental Statement also states in a later paragraph that in general the landscape and visual effects would be experienced at slightly higher levels than those for the first winter after the scheme is completed (paragraph 10.5.32). As the two statements appear to contradict each other can the applicant clarify?</p>
24	<b>Applicant</b>	<p><b>MITIGATION AND MONITORING</b></p> <p>(i) The Environmental Statement states that the presence of the A5-M1 Link has been assumed as part of the baseline. With the HRN1 development in place, effects on receptors to the north of Parkside Drive would be largely eliminated because HRN1 would enclose and screen the new road. Effects on receptors to the south of Parkside Drive would be largely the same as for Woodside Link on its own. The total effect of Woodside Link with HRN1 would lead to the urbanisation of the area between the eastern edge of Houghton Regis and the motorway but this would be largely due to the HRN1 development rather than Woodside Link. This conclusion is potentially relevant and important to the cumulative assessment of landscape and visual effects. Can the applicant provide any additional illustrative information that would support this explanation?</p> <p>(ii) The landscape proposals are described in paragraphs 10.4.2 to 10.4.23 of the Environmental Statement and shown in Figures 10.3-10.5. The Environmental Statement states that this documentation does not represent project details as these will be developed post-consent. Appendix 10.2 to Chapter 10 of the Environmental Statement contains an outline landscape and ecology plan. A detailed landscape and ecology management plan will be produced as part of the detailed design of the scheme (this is secured by requirement 5 of the applicant's draft DCO). Key landscape and visual effect mitigation measures identified in the outline landscape plan are:</p> <ul style="list-style-type: none"> <li>- maintaining a distance between Woodside Link and residential properties;</li> <li>- replacement of approximately 2.4km of overhead electricity lines with underground cables;</li> <li>- retaining the areas of existing scrub along the road;</li> </ul>

Q No:	Question to:	Question:
		<ul style="list-style-type: none"> <li>- planting of new hedges, grassland, individual trees and woodland along the scheme and along the new cycle tracks;</li> <li>- restoration of the borrow pit area as an area of damp, species rich grassland;</li> <li>- low mounding along parts of the road; and</li> <li>- noise barriers and fencing.</li> </ul> <p>Since the assessment conclusions regarding the project's landscape and visual effects relies on the delivery of the proposed mitigation measures can the applicant provide any information that would instil confidence that the mitigation proposals described in the Environmental Statement will be delivered if the Order were to be consented by the Secretary of State?</p>
	<b>Applicant (Other parties may also wish to comment)</b>	(iii) In relation to landscape and visual effects what monitoring measures are proposed or should be included in the Order?
<b>SOCIO-ECONOMIC EFFECTS</b>		
25	<b>Applicant</b>	<p>(i) Economic appraisal - Can the applicant provide an assessment of the economic effects of the proposed project to be prepared in alignment with relevant Government Guidance relating to the assessment of highway projects or explain why it does not consider this to be necessary, relevant or important?</p> <p>(ii) Social distribution assessment: Can the applicant provide an assessment of the social distribution aspects of the proposed project, having regard to relevant Government Guidance or explain why it does not consider this to be necessary, relevant or important?</p>
	<b>Luton Borough Council or Any Other Party</b>	(iii) Does Luton Borough Council or any other party wish to comment or provide relevant information regarding the wider economic and social context for the Woodside Connection project?
	<b>Applicant (Other parties may also wish to comment)</b>	(iv) What monitoring of social and economic effects is proposed or should be provided for within the Order?



Q No:	Question to:	Question:
<b>ENVIRONMENTAL EFFECTS</b>		
26	<b>Applicant</b>	<p data-bbox="712 300 1077 331"><b>ECOLOGICAL EFFECTS</b></p> <p data-bbox="712 347 2114 491">(i) In the light of the recent submission of additional ecological information can the applicant confirm what ecological mitigation measures it proposes to provide for within the draft Order requirements? Have any such provisions been agreed with Natural England where relevant and appropriate?</p>
27	<b>Applicant</b>	<p data-bbox="712 499 936 531"><b>AIR QUALITY</b></p> <p data-bbox="712 555 2096 762">(i) In relation to the methodology adopted for the air quality assessment within the Environmental Statement, screening calculations were undertaken during the Stage 2 scheme assessment process based on the methodology in the Design Manual for Roads and Bridges Volume 11, Section 3, Part 1 and the Interim Advice Note (IAN) 170/12. The results of the screening calculations have not been presented in the ES. The ExA requests submission of a copy of these calculations.</p> <p data-bbox="712 818 2128 1281">(ii) Environmental Statement paragraphs 12.1.5 and 12.2.13 confirm that air quality monitoring was undertaken as part of the environmental assessment for the proposed project. The methodology used was based on guidance in Defra's Local Air Quality Management Technical Guidance 09 (LAQM.TG09). The results of initial air quality monitoring led to a Detailed Assessment, using the methodology in the DMRB. Air quality modelling was undertaken for a baseline year in 2011, the opening year (2016) without the scheme (Test 1) and with the scheme (Test 3) and for 2031 with the scheme (Test 2A) (paragraph 12.1.6). The detailed dispersion model required input data of Annual Average Daily Traffic flows on the road links and the pollutant emission rate as grams per vehicle kilometre (g/veh-km). The pollutant emission rate was derived using the Defra emission factor spreadsheet. The pollutant emission rate is based on the assessment year percentage of HGV's and average speeds. Can the applicant clarify how the figure for the percentage of HGVs was arrived at since it is not reported in the Traffic Assessment?</p> <p data-bbox="712 1337 2110 1401">(iii) A new version of Interim Advice Note 170/12 (referred to as revision 1) was released after the Woodside Link application was submitted. Does the applicant wish to further amend its air</p>

Q No:	Question to:	Question:
		<p>quality assessment in the light of that revision?</p> <p>(iv) The Environmental Statement explains that for the air quality assessment receptors were defined by searching for:</p> <ul style="list-style-type: none"> <li>- designated nature conservation sites within 200m of the scheme and affected roads; and</li> <li>- properties within 50m bands up to 200m from the centre line of the proposed scheme.</li> </ul> <p>No nature conservation sites were found within 200m of the scheme (paragraph 12.3.3). The estimated number of properties up to 200m from the centre line of the scheme (around 450) is given in Table 12.5 and shown on Figure 12.1. These residential properties were classed as sensitive receptors. Air Quality Management Areas have been identified for Dunstable and Luton. Pollutants of concern are NO<sub>2</sub> and PM<sub>10</sub>.</p> <p>Does the assessment take into account any effect on residential properties within 200m of affected roads where traffic volumes may vary as a result of the operation of the proposed Woodside Link? If not why is the approach to assessment of effects on occupiers of properties apparently inconsistent with the approach to the assessment of effects upon designated nature conservation sites, where any effects upon sites within 200m of affected roads were assessed?</p> <p>(v) Emissions from vehicles during construction do not appear to have been assessed. Design Manual for Roads and Bridges guidance (Volume 11, Section 3, Part 1 HD207/07, paragraph 3.6) states that if construction is expected to last for more than 6 months then traffic management measures and the effects of the additional construction vehicles should also be assessed as an additional scenario though this may need to be a qualitative assessment. Although it is not yet finalised it appears that the construction period could run from 2014 to 2017. Can the applicant clarify why it has not considered emissions from construction vehicles in the air quality assessment?</p> <p>(vi) In the context of the Environmental Statement explanation referred to below why did the applicant choose to use the EPUK significance criteria in the air quality assessment when they do not seem to be applicable to assessing the impacts of the project?</p>

Q No:	Question to:	Question:
	<b>Highways Agency</b>	<p>(vii) The air quality dispersion model has been used to estimate NO<sub>2</sub> levels at various sample receptors (mainly residential properties) for 2016 with and without the scheme (Tables 12.9-12.11). The Environmental Statement states that as the 2031 scenario without the scheme has not been modelled, the modelled future year trends cannot be adjusted in line with long term trends (paragraph 12.6.25). Table 12.12 shows the estimated difference in NO<sub>2</sub> levels at the various receptors between 2016 without the scheme (Test 1) and in 2031 with the scheme (Test 2A). The ES states that the EPUK magnitude of change description is not valid because the change is also due to changes in background pollution level and not purely as a result of the project. This gives rise to two inter-related questions:</p> <p>a) Can the Highways Agency indicate whether the approach adopted by the applicant is adequate to assess air quality effects?</p> <p>b) Does the Agency agree with the conclusion that the effects of the Woodside Link upon the receptors (when the Link is considered in isolation or in combination with other existing, under-construction or planned projects including M1 hard shoulder running and the A5-M1 Link) will be of negligible significance?</p>
	<b>Applicant, Highways Agency, Luton Borough Council (Other parties may also wish to comment)</b>	<p>(viii) The regional air quality assessment was undertaken using the Design Manual for Roads and Bridges screening tool and used the following parameters: Annual Average Daily Traffic, percentage of HGVs, average speed and length. The potential effects of the scheme are assessed by reference to the total UK emissions as there are no regional standards or objectives available (paragraphs 12.1.13-14 of the Environmental Statement). In relation to the regional assessment two queries arise:</p> <p>a) It is not explained in the Environmental Statement assessment what 'length' is being considered. Can the applicant confirm that this refers to the length of the proposed new section of highway? <b>(Applicant)</b>, and</p> <p>b) Is the reliance upon total UK emissions as the yardstick by which to make the regional assessment appropriate in this particular case? If not, what alternative yardsticks should be applied? <b>(Applicant, Highways Agency, Luton BC and other parties may also wish to comment)</b></p> <p>(ix) The Environmental Statement states that the opening year traffic flows input to the air</p>

Q No:	Question to:	Question:
		<p>quality model accounted for traffic using the proposed Junction 11A and A5-M1 Link Road (ES paragraph 12.8.1). No cumulative assessment of the effect of the development with the Houghton Regis North (HRN1) development has been undertaken. Instead the applicant has relied on the Environmental Statement produced for the outline application for the HRN1 development, which has not been submitted into this examination. This assessment apparently concludes that the absolute levels of pollution of the two combined projects (HRN1 and Woodside Link) would be with acceptable limits (Environmental Statement paragraphs 12.8.4 to 12.8.5). Is this approach adequate to deal with cumulative negative and positive effects of the proposed Woodside project considered with other relevant projects upon air pollution?  <b>(Applicant, Highways Agency, Luton BC and other parties may also wish to comment)</b></p>
	<p><b>Highways Agency, Applicant (Other parties may also wish to comment)</b></p>	<p>(x) Effects on PM<sub>10</sub> are provided in the Environmental Statement Tables 12.13-12.15. Effects are predicted to be better than the relevant air quality objectives, with an imperceptible impact on the Dunstable Air Quality Management Area. It is not obvious however how these conclusions were reached. Two questions follow:</p> <p>a) Can the applicant clarify how its Environmental Statement conclusions regarding PM<sub>10</sub> were reached? <b>(Applicant)</b></p> <p>b) Does the Highways Agency agree with the air quality assessment methodology and conclusions reached by the applicant's Environmental Statement with regard to PM<sub>10</sub> when the Woodside project is considered in isolation and in combination with other relevant existing, under-construction and planned projects including the A5-M1 Link and the M1 hard shoulder running project? <b>(Highways Agency. Applicant and other parties may also wish to comment)</b></p> <p>(xi) The results of the regional air quality assessment are reported in paragraphs 12.6.35-12.6.37 and Table 12.16 of the Environmental Statement. The 2031 predicted emissions show an increase of up to 36% in NO<sub>2</sub> emissions but the Environmental Statement states that the majority of the increase will be as a result of the increase in traffic volumes on the M1 (paragraph 12.6.37). Section 12.11 lists the various assumptions and limitations that apply to the assessments in this chapter of the Environmental Statement:</p> <ul style="list-style-type: none"> <li>- the 2031 assessment does not include the traffic growth resulting from the HRN development;</li> </ul>

Q No:	Question to:	Question:
		<p>- only an outline application has been submitted for HRN1 so the exact locations of the proposed houses are unknown. It has been assumed by the applicant that assessment of the development against National Objectives will be made as part of the planning process;</p> <p>- there are inherent uncertainties in the traffic and air dispersion modelling; and</p> <p>- the modelling uses the latest vehicle emission factors and background concentrations available but these are only valid until 2025 so it has been assumed that there will be no change between 2025 and 2031.</p> <p>a) Does the Highways Agency agree with the assertion regarding the main source of growth in NO2 emissions by 2031 made by the applicant at paragraph 12.6.37 of the Environmental Statement? <b>(Highways Agency)</b></p> <p>b) Can the Highways Agency comment regarding the implications for the air quality assessment of the various assumptions and limitations identified by the applicant and listed above? Are these realistic? <b>(Highways Agency. Applicant and other parties may also wish to comment)</b></p>
	<b>Highways Agency (Other parties may also wish to comment)</b>	(xii) The model data was further adjusted (see question (ii) above) to take account of the advice in the Highways Agency Interim Advice Note 170/12 to allow for deficiencies in the advice in LAQM.TG09. The Environmental Statement states that these deficiencies can lead to overestimates of improvement in air quality over the long term (paragraphs 12.1.7-12.1.12). Several versions of the model were run before modelled and monitored data were within 'an acceptable range' and a calibration factor of 5.0 has been used. Does the Highways Agency agree with the approach used to undertake air dispersion modelling for the proposed Woodside Link project Environmental Statement, particularly the validity of the model used, the choice of calibration factor and the use of baseline year data to both calibrate and validate the model?
<b>28</b>	<b>Applicant</b>	<p><b>NOISE AND VIBRATION ASSESSMENT</b></p> <p>(i) Methodology: Night time noise assessments in the Environmental Statement refer to the World Health Organisation 2009 '<i>Night Noise Guidelines for Europe</i>' which gives a target objective and an interim target for situations where the target objective is not feasible in the short-term (Environmental Statement paragraph 13.1.24). They also used the methodology outlined in the 2002 Transport Research Laboratory report to convert the relevant UK traffic noise index (L<sub>A10,18h</sub>) to the EU noise indices. The Environmental Statement confirms that this approach is also aligned</p>

Q No:	Question to:	Question:
		<p>with the approach advised by the Design Manual for Roads and Bridges (Environmental Statement paragraph 13.1.26). The Environmental Statement refers to the fact that there are three possible methodologies in the Transport Research Laboratory report and explains which method was chosen but does not explain why. Can the applicant clarify?</p> <p>(ii) Methodology: No evidence is presented in the Environmental Statement to support the statement that the study area corresponds to the areas likely to be affected by changes in traffic flow as a result of the proposed Woodside Link project (and any other related projects that need to be taken into account in the cumulative assessment). It is also unclear how the anticipated long term changes in noise levels were used to define the study area. Can the applicant provide clarification of these points?</p> <p>(iii) Methodology: The Environmental Statement also states that a qualitative assessment has been undertaken for sensitive receptors outside the study area but within 2km of the scheme or affected roads. There are no figures showing the area covered by this qualitative assessment. Can the applicant provide a plan drawn on an Ordnance Survey base to illustrate the area thus assessed?</p> <p>(iv) Baseline: The ES states that a noise monitoring survey was undertaken to provide some verification for the noise modelling using the shortened procedure in the Calculation of Traffic Road Noise (Department of Transport 1988). The methodology for the survey is described in the Environmental Statement paragraphs 13.3.4 -13.3.10. Daytime measurements were taken at 6 locations (mainly residential property). Night time measurements were taken at one property only. No justification is given for the choice or number of locations or the difference between the number of locations used for day and night measurements. Can the applicant explain the reasons for the approach adopted to establish the noise and vibration baseline?</p> <p>(v) Construction phase: As the details of the construction process are yet to be determined, a worst-case scenario has been defined using the reference data in BS 5228 to estimate sound power levels generated by construction plant (Environmental Statement paragraphs 13.6.2-13.6.7). Environmental Statement Table 13.6 gives the typical sound power levels of different</p>

Q No:	Question to:	Question:
		<p>construction equipment. Table 13.7 gives the predicted construction noise levels at certain sensitive receptors. However there is no explanation for how those noise levels were derived or what plant or construction methods were considered as part of the worst-case scenario. Can the applicant clarify?</p> <p>(vi) Operational phase: Environmental Statement Tables 13.8 to 13.10 identify the estimated number of people bothered by noise and vibration in 2016 without the scheme, in 2016 with the scheme and in 2031 with the scheme. It is not clear however from the text how these figures were derived. Can the applicant clarify?</p> <p>(vii) Night noise: The results of the night noise assessment are given in Environmental Statement paragraphs 13.6.21-13.6.23. Noise levels at different representative receptors are given for 2016 without the scheme (Test 1), 2016 with the scheme (Test 3) and for 2031 with the scheme (Test 2A). The A5-M1 link is assumed to be operational for all these scenarios. No reasons are given for the choice of receptors. Can the applicant clarify?</p> <p>(viii) Mitigation and monitoring - construction phase: Can the applicant indicate what construction noise limits are to be applied to the construction phase and whether these limits have been agreed with the relevant Environmental Health Officer?</p> <p>(ix) Mitigation and monitoring – operational phase: Various mitigation measures are suggested in the Environmental Statement. These are reflected in the DCO under requirement 8 (which requires submission of a detailed plan including detail of noise attenuation measures including noise barriers for approval by the LPA prior to scheme commencement) and requirement 10, which refers to the use of low noise road surfacing materials on the highway. Speed limits are specified in Schedule 3 of the Order. The Environmental Statement notes however that the effectiveness of any noise barrier would be diminished because of the noise generated by the M1 (paragraph 13.5.4). Three dwellings would also be eligible for insulation under the Noise Insulation Regulations (paragraph 13.7.7). How effective are the noise attention measures likely to be and which properties are most likely to experience high levels of noise?</p>

Q No:	Question to:	Question:
	<b>Highways Agency, Luton Borough Council, Applicant (Other parties may also wish to comment)</b>	(x) Cumulative assessment: while the A5-M1 Link is included in the assessment, no cumulative assessment of the effect of the proposed Woodside Link and A5-M1 Link with the Houghton Regis North (HRN1) development has been undertaken. Instead the applicant has relied on the Environmental Statement produced for the outline application for the HRN1 development. This assessment has not been submitted into this examination but it apparently concludes that the HRN1 traffic and the Woodside Link traffic combined would not lead to significant effects (Environmental Statement paragraph 13.8.3). Is this approach adequate to address the cumulative effects of noise and vibration arising from the Woodside Link when considered in isolation or in combination with relevant existing, under-construction and planned projects?
	<b>Applicant (Other parties may also wish to comment)</b>	(xi) Monitoring: It is noted that no monitoring of noise and vibration is presently proposed. Two related questions arise.  a) Can the applicant explain why the Order omits any requirement for noise and vibration monitoring?  b) Should noise and vibration monitoring be taken into account in the Order requirements and, if so, how?
	<b>Any party</b>	(xii) Mitigation and monitoring – Night noise: With regard to night noise levels, the World Health Organisation standard objective will be exceeded. However it appears that the Woodside Link would make a limited contribution to this expedience. The Environmental Statement states that to achieve the WHO standard objective local policy makers would need to address the issue by taking an overall approach which took all local noise sources into consideration, the potential use of alternative transport measures and the locations of vulnerable groups such as the elderly (Environmental Statement paragraph 13.6.26). The Environmental Statement also states that the WHO targets are based on the assumption that people want to sleep with the bedroom window open and do not take into account any noise insulation in the property such as double glazing (paragraph 13.9.4) and are therefore the targets represent worst-case scenarios. Does any party wish to comment regarding existing night noise levels and the likely contribution of the proposed Woodside Link when considered in isolation or in combination with all the other relevant existing, under-construction and planned projects including the A5-M1 Link, M1 hard shoulder running and the HRN development?



Q No:	Question to:	Question:
29	Applicant	<p><b>ENVIRONMENTAL EFFECTS MITIGATION AND MONITORING</b></p> <p>(i) Requirement 7 of the applicant's draft DCO states that the Construction and Environmental Management Plan (CEMP) will be required to include a number of measures (e.g. measures to address dust generation during construction). However it is noted that not all the environmental mitigation measures listed in the Environmental Statement are included in the outline CEMP. Can the applicant submit information to demonstrate that the measures in the CEMP will achieve adequate levels of mitigation?</p>
	<p><b>Applicant, Highways Agency, Luton Borough Council</b>  <b>(Other parties may also wish to comment)</b></p>	<p>(ii) Environmental monitoring: What environmental monitoring is proposed and what monitoring provisions should be included within the Order?</p>
<p><b>COMPULSORY ACQUISITION</b></p>		
30	Applicant	<p>(i) The one-page funding statement forming part of the compulsory acquisition documentation submitted by the applicant advises that budget provision for the acquisition of land and other relevant property interests is to be provided by the Central Bedfordshire Council and that <i>'the Council has agreed to fund the costs of developing its proposal to the point where an application to the Secretary of State can be made.'</i> Given that an application has now been made who is funding the work of the applicant's team during the examination?</p> <p>(ii) The Council proposes to meet the capital cost of implementing the works proposed to be authorised by the draft DCO, including all compensation that becomes payable and the costs associated with blight. The estimated capital cost of implementation is £42 million and the Council has allocated capital funding of £42 million in its budget to underwrite the scheme <i>'with the expectation that substantial external contributions can be recovered in later years'</i>. Some inter-related queries arise:</p> <p>a) From which sources are the 'substantial external contributions' expected to be made?</p> <p>b) What amount or amounts of contributions is/are anticipated and when are it/they expected to arise?</p>

Q No:	Question to:	Question:
		<p>c) Would the project implementation proceed in the absence of such external funding contribution(s)?</p> <p>d) What level of certainty can be placed upon these external contributions being made at the anticipate date(s)?</p> <p>(iii) Can the applicant provide a copy of the Council's latest authorised budget containing details of the capital funding allocation for the project?</p> <p>(iv) In addition to the external contributions referred to above, the submitted Funding Statement indicates that '<i>The Council will seek other funding contributions from private sector sources likely to benefit from the implementation of the proposed road and from other government programmes as may be available.</i>' What are the 'other private sector sources' referred to here?</p> <p>(v) Is the implementation of the project in reality dependent in whole or in part upon the availability external contributions and, if so, which and when?</p> <p>(vi) In the light of the very large amount of capital funding required to fund the proposed project - and given the brevity of the submitted Funding Statement - the Council is requested to provide a detailed and independently audited explanatory statement from its Chief Accounting Officer to confirm that the Council is in a sufficiently robust financial position to enable it to cover:</p> <p>a) the capital costs of the proposed project as a whole when they are anticipated to arise, and  b) any costs associated with the proposed use of compulsory powers as identified in the relevant draft Order provisions when they are anticipated to arise.</p> <p>This statement should include an explanation of how the Council intends to secure the necessary finance for the project and should be clear regarding any level of dependency on any identified third party funding.</p> <p>(vii) Can the applicant also confirm how it intends to meet any revenue costs associated with the operation of the project, including any ongoing costs of mitigation and monitoring if required by any Order granted development consent by the Secretary of State?</p>

Q No:	Question to:	Question:
		<p>(viii) The applicant needs to make diligent enquiry in order to identify persons with a relevant interests in the land. It is also necessary for the applicant to demonstrate that compulsory acquisition is a last resort and that the land required for the proposed development cannot be acquired by negotiation and agreement. The ExA wishes to ascertain whether there remain any outstanding procedural issues in relation to identification of ownership of land and interests including those of statutory undertakers' land. Can the applicant set out the full steps that were undertaken by way of making diligent enquiry to identify those persons with relevant land interests, in relation to all the land and interests proposed to be acquired and what they have done to date to seek agreement to acquire such land and interests? This explanation should be provided on a plot-by-plot basis and summarised in a schedule.</p> <p>(ix) What assurance and evidence can the applicant provide of the accuracy of the land interests identified as submitted and whether there are likely to be any changes to these including the identification of further owners/interests?</p> <p>(x) Given that further, more detailed work has been undertaken to update the Book of Reference since submission of the original application, can the applicant provide an updated summary schedule indicating:</p> <ul style="list-style-type: none"> <li>- the specific plots which it now regards as required for the proposed development</li> <li>- the specific plots which it now regards as required to facilitate or which it regards as incidental to the proposed development</li> <li>- any specific plots which it is now seeking to acquire as replacement land for commons, open spaces, etc</li> <li>- any plots which it is proposed to be acquired by agreement</li> <li>- any plots which are considered to be required for the development of the project but which it seeks to exclude from the compulsory acquisition.</li> <li>- If any plots fall into the latter category, i.e. voluntary acquisitions excluded from compulsory acquisition, can the applicant explain why some plots are proposed to be acquired compulsorily and some by voluntary agreement?</li> </ul> <p>(xi) Can the applicant provide a summary in table form of its current understanding of the likely position in relation to compensation for injurious effects on property, rights over property, occupants of property or other relevant interests? The applicant should provide a</p>

Q No:	Question to:	Question:
		<p>table listing the named interests where discussions have taken place, where negotiations have commenced, where agreements have been signed and where negotiations are in hand but agreements have not yet been concluded or signed.</p>
	<p><b>Affected Parties (Parties whose interests may be affected by the applicant's proposed compulsory purchase of land or buildings or other interest in land)</b></p>	<p>(xii) Can any 'Affected Parties' (parties whose interests may be affected by the applicant's proposed compulsory purchase of land or buildings or other interests in land) describe, quantify and explain any private loss that would be suffered as a result of the proposed compulsory acquisition of their relevant interests?</p> <p>(xiii) If you are (or if you represent) an Affected Party whose interests may be affected by the proposed compulsory acquisition elements of the Woodside Link Development Consent Order is it accepted that those interests are required for delivery of the proposed Woodside Link project to the extent sought by the applicant? Could the proposed project be constructed and maintained on a smaller area of land excluding all or part of the interests with which you are concerned?</p> <p>(xiv) Having regard to the relevant national planning and transport policies, do any of the 'Affected Parties' seek to challenge the applicant's assertion (application document volume 5 of 5, section no.1) that there is a compelling case in the public interest for the land proposed for compulsory acquisition to be acquired compulsorily as part of the development consent for the Woodside Link project? If so on what grounds is that argument based and what evidence is advanced to support any case put forward?</p>
	<p><b>Applicant, NGET</b></p>	<p>(xv) Can the applicant and National Grid Electricity Transmission Plc provide written confirmation of their respective (or joint) understanding(s) of the latest position in relation to the applicant's acquisition of rights in relation to the electricity transmission sites and infrastructure currently owned by NGET within the Order area?</p>
	<p><b>Applicant, NGG</b></p>	<p>(xvi) Can the applicant and National Grid Gas Plc provide written confirmation of their respective (or joint) understanding(s) of the latest position in relation to the applicant's acquisition of rights in relation to the gas infrastructure currently owned by NGG within the Order area (if any)</p>

Q No:	Question to:	Question:
	<b>Affected Parties, Applicant and Other Interested Parties</b>	(xvii) In relation to the proposed compulsory acquisition included as part of the Woodside Link DCO application for development consent, does any Affected Party seek to raise issues relating to human rights or equality for examination by the Examining Authority? If so, what are they and what reasons and evidence are provided to support the case advanced?
<b>NECESSITY FOR AND TIMING OF OTHER CONSENTS AND LIKELIHOOD OF APPROVAL</b>		
31	<b>Applicant</b>	<p>(i) Can the applicant identify in a summary table which elements or aspects of the proposed project would require additional consents over and above any determination by the Secretary of State of the proposed Development Consent Order, either by way of subsequent approval of details pursuant to requirements in the DCO or by means of separate statutory consents or commercial agreements? The table should include:</p> <ul style="list-style-type: none"> <li>a) an indication of the consenting body</li> <li>b) the timescale anticipated for any such applications to be submitted and determined.</li> <li>c) the applicant's assessment or commentary regarding the likelihood of consent being granted as anticipated? Written evidence in the form of letters of comfort from relevant decision-makers should also be appended where these are available (in certain circumstances these may be required later in the examination).</li> </ul> <p>(ii) Can the applicant confirm whether any interests are, are likely to be or should be engaged in relation to the DCO proposals under any of the provisions of s127-s138 of the Planning Act 2008 (as amended)?</p> <p>(iii) If the applicant considers that any applications or specific proposals for examination are required under any of the above-mentioned sections of the Planning Act 2008 (as amended) can they be submitted to the relevant decision-maker by Deadline I?</p> <p>(iv) The applicant is requested to provide a summary table of affected statutory undertakers' interests (s127) and Special Category Land interests (S131 and 132), referenced by plot numbers and indicating:</p> <ul style="list-style-type: none"> <li>- Details of the proposals in relation to those interests and a statement of the current position regarding any application(s) already made or to be made)</li> <li>- Suggested pro forma draft certificates</li> </ul>

Q No:	Question to:	Question:
	<b>Applicant, members of the HRN Consortium</b>	(i) Can the applicant and the parties who are members of the HRN Consortium provide further detailed explanation regarding the nature of any relationship(s) between the consenting processes for the Woodside Link and its Development Consent Order application on the one hand and any other relevant inter-related projects and planning proposals currently in hand or under consideration by the relevant decision-makers?

**EXAMINING AUTHORITY'S FIRST QUESTIONS RELATING TO THE DRAFTING OF THE DCO  
(principally addressed to the applicant but comments from other interested parties are welcomed)**

Q No.	Article (A)/ Requirement (R)	Question or Comment
1.	A2(1)	<i>"the <u>access plans</u>"</i> – can consistent capitalisation be use throughout the Order (e.g.. referred to as " <u>Access Plans</u> " in Schedule 4)?
2.	A2(1)	<i>"<u>authorised development</u>" ....<u>and any other development authorised by this Order,...</u>"</i> – it is acknowledged that the underlined phrase comes from the Model Provisions, but what other development (other than that described in Schedule 1) is intended to be authorised by this (particularly given the extensive categories of further development at the end of Schedule 1)?
3.	A2(1)	<i>"<u>maintain...include to inspect, repair, adjust or reconstruct the authorised development</u>"</i> – what is meant by 'adjust' (and to what tolerances)? Is 'reconstruct' properly within the scope of 'maintain', and how does it differ from 'repair'?
4.	A2(1)	<i>"the <u>sections</u>"</i> – the application contains both long-section and cross-section drawings; should not both be referenced in this definition?
5.	A2(1)	<i>"<u>undertaker</u>" ....<u>who has the benefit of this Order in accordance with section 156 of the 2008 Act and Article 6</u>"</i> – is the underlined phrase necessary – or indeed correct, as s156 provides that the Order benefits the land and all persons for the time being interested in it, yet A6 limits the benefit to the Council (unless transferred under A7)? In what circumstances does the applicant envisage that s156 will apply but A6(1) will not?

Q No.	Article (A)/ Requirement (R)	Question or Comment
6.	A5(b)	<i>"..to any extent not exceeding [2] metres.."</i> – what lateral deviation is being sought (the Explanatory Memorandum (EM) suggests 1 metre?
7.	A6(2)	<i>"Paragraph (1) does not apply to the works...for the express benefit owners...and other persons affected..."</i> – what are these works? The explanation of A6 in the EM is noted. Can a list be provided?
8.	A7(1)	<i>"...and such related statutory rights"</i> – what statutory rights does the applicant envisage that the undertaker would be entitled to transfer with the benefit of the Order?
9.	A8(3)	Article 8(3) removes various powers from the highway/street authority which may impact on its ability to manage and co-ordinate other works to the highway carried out by itself and by other statutory undertakers. Has either highway authority expressed any concerns about this?  The EM suggests that this is appropriate given the scale of the works, the specific authority given for them, and the Order provisions regulating the works. Which of the Order provisions (if any) are intended to address the issue of co-ordination of other works to affected highways with the Order works?
10.	A8(4)-(6)	Certain provisions of the 1991 Act are applied to temporary closures, alterations and diversions. The 1991 Act provisions relating to 'General requirements for execution of street works', 'Re-instatement' and 'Re-surfacing' are not among them. Why are these provisions inappropriate, particularly in relation to 'alterations' of streets??
11.	A9(1)(b)	<i>"and in the case of Work No. 1, article 10(1) has taken effect"</i> – Assuming this to be a reference to A10 as there is no A10(1), what is the purpose of this, as A10 does not appear to require any additional steps to be brought into effect?
12.	A11	The proposed speed limits appear to affect certain existing roads and not just the new link. Imposing such speed limits by traffic regulation order would require prior consultation; why is it considered inappropriate to impose speed limits by the usual RTRO process?
13.	A13(7)	Although, as the EM notes, it may not be possible to know who the street authority will be in any particular case where an unanticipated temporary prohibition or restriction is required, Luton BC is likely to be such an authority. Has it been consulted on this guillotine provision and with what result?

Q No.	Article (A)/ Requirement (R)	Question or Comment
14.	A22(3)	<p>In relation to this Article, the EM says: <i>"9.13 It provides for the extinguishment of private rights on Order land already owned by the Council, when any activity authorised by the Order interferes with or breaches those rights. This draws on the approach taken in article 17 of the Rookery South (Resource Recovery Facility) Order 2011".</i> A17 of the Rookery Order provides for the extinguishment of rights over land compulsorily acquired, whereas A22(3) appears to include <u>any</u> land of the Council, whenever acquired. Potentially, that means that the owners of such existing rights may lose their rights without the opportunity to contest the matter via the 2008 Act process, if they are not listed in the Book of Reference. Is that the intention?</p>
15.	A24(3)	<p>(a) As this article extends the model provision to include airspace (despite no use yet having been identified in which it would apply), should (3) not also provide for projections into the airspace in the same way as it provides for underground structures (cellars etc)?</p> <p>(b) Should it not also extend to land with a park or garden, because (unlike interference with the subsoil) interference with the airspace could impact on the utility of the park or garden?</p> <p>(c) Could the EM elaborate on why this Article is considered necessary to provide flexibility in the public interest (as stated in the EM), as this is not immediately apparent?</p>
16.	A25(1)	<p>The reference to s8(1) of the 1965 Act should read <i>"section 8(1) of the 1965 Act (other provisions as to divided land)...."</i></p>
17.	A27(1)(a) and Sch 9	<ul style="list-style-type: none"> <li>• A27(1)(1)(a)(i) appears intended to allow temporary possession of identified plots (Sch 9 column 2) for specified purposes (column 3) relating to different parts of the development (column 4). However, column 4 in all cases refers to "All works". If the column is not to be otiose, why is it not populated with the relevant work for each plot?</li> <li>• Can the applicant confirm that Sch 9 contains all plots for which temporary possession is anticipated to be required, and that A27(1)(a)(ii) is only included as a 'backstop' in case temporary possession is subsequently found to be necessary during construction?</li> </ul>



Q No.	Article (A)/ Requirement (R)	Question or Comment
18.	A27(3)(b)	Sch 9 gives the purposes for which temporary possession of identified plots may be taken. A27(a)(ii) enables temporary possession of land other than plots identified in Sch 9. A27(2) does not presently require the notice of intended entry to specify the purpose of entry. How is the owner of land not identified in Sch 9 to ascertain the purpose of possession and hence the end of the one year period within which possession is allowed <i>“beginning with the date of completion of the <u>work for which temporary possession of the land was taken</u>”</i> ?
19.	A29	The application draft DCO does not (yet) identify the replacement land or the person(s) in whom it is to be vested. The EM suggests that these items will be identified, and also refers to a paragraph (3) which <i>“departs from the model provision by referencing the relevant plots of land directly , since the application does not include separate plans for special category land or replacement land.”</i> There is no paragraph (3) in the draft DCO. Could the applicant please clarify generally what is intended?
20.	A36	The heading to this Article in the EM incorrectly refers to A38 of the Model Provisions; should the reference be to A49 of the Railway Model Provisions?
21.	Sch 1	<p>The ‘catch-all’ provision at the end of Sch1 contains extensive categories of further ‘development’, some of which appear to be more of the nature of ancillary works than development.</p> <ul style="list-style-type: none"> <li>• Where these are development, why are they not included where necessary in the appropriate numbered Works, as they potentially include substantial operations?</li> <li>• Is the applicant satisfied that these operations and works will not require any additional consents?</li> </ul>
22.	Sch 2	Enforcement of requirements normally falls to the local planning authority. In this case, of course, the applicant is also the local planning authority. What mechanism (if any) – internal or otherwise – is the applicant proposing to ensure that the requirements are subject to adequate enforcement?
23.	Sch 2, Requirement 3	As the project relates to the area of two planning authorities, notice of commencement should presumably be given to both relevant planning authorities?

Q No.	Article (A)/ Requirement (R)	Question or Comment
24.	Sch 2, R6	As drafted, the paragraph contains no timescale for the completion of the risk assessment, no provision for it to be supplied to the relevant planning authority, and no provision for what happens to the work while the risk assessment and remediation scheme are completed and approved. Should there be?
25.	Sch 2, R9-12	Should the requirements to carry out the development in certain ways be expressed negatively rather than positively as in the draft DCO?
26.	Sch 2, R13	Why are the hours of working in brackets?
27.	Sch 2, R14	Why are the wheel cleaning facilities not to be approved by both relevant planning authorities?
28.	Sch2, R15(3)	Why are the controls on storage containers limited to the Order land (land to be acquired), and not to such any storage within the (wider) Order limits?
29.	Sch2, R17	This requirement is incomplete in the application draft DCO. What is intended?
30.	Sch2, R18(1)	What is the intended relationship between the landscaping plan to be approved under this requirement, and the landscaping and ecology management plan to be approved under R5?
31.	Sch2, R18(4)	The requirement is limited to the Order land (land to be acquired). Why does it not include hedges and trees forming the boundary of the Order limits or within them?
32.	Sch2, R18(6)	Is the term 'noxious weeds' sufficiently precise and certain as to enable enforcement of the requirement by the relevant planning authority?
33.	Sch 8	Generally, this Schedule appears to be intended to relate to both the creation of new rights and the imposition of restrictive covenants. The latter appears to have been omitted from the Schedule heading, and paragraphs 3(1)(a), 5, 7 and 9. Are those omissions correct?
34.	Sch 8, para 2, etc	Notwithstanding the heading to the Schedule and the provisions of paragraph 1, paragraph 2 appears to make stand-alone modifications of the LCA 1973. Similar comments can be made about other paragraphs of the schedule. Should each paragraph making such modifications not be expressly limited to circumstances where there are new rights or restrictive covenants, perhaps by an appropriate amendment to paragraph 1?

Q No.	Article (A)/ Requirement (R)	Question or Comment
35.	Sch 8, para 4	Please explain the reference in the substituted section 7 of the 1965 Act to damage sustained by " <i>severance</i> " (it is not immediately apparent how that can occur in the context of created rights or restrictive covenants)?