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To: A63castlestreet@PINS.gsi.gov.uk
Subject: Hull A63 Written Representations
Date: 23 April 2019 17:30:52
Attachments: [Hull A63 Written Reprs Apr 19 Ref 20016278.doc](#)
[Hull A63 Written Reprs Hull Summary Ref 20016278.doc](#)
[Appendix A.1 - Earl de Grey Public House Hull A63 Ref 20016278.pdf](#)
[Appendix A.2 - Castle Buildings, Hull A63 Ref 20016278.pdf](#)
[Appendix A.3 - Statue of King William III and Flanking Lamps, Hull A63 Ref 20016278.pdf](#)
[Appendix A.4 Beverley Gate Scheduling description Hull A63 Ref 20016278.docx](#)
[Appendix B Letter Historic England to Highways England, Hull A63 Ref 20016278.pdf](#)

To whom it may concern,

Your ref: TR010016

Our ref: 20016278

Please find attached our Written Representations on the A63 Hull, DCO, for the Examining Authority to consider.

The attached files are:

- 1) Written Representations
- 2) Summary document
- 3) Appendix A Designation descriptions (A.1; A.2; A.3; A.4)
- 4) Appendix B Letter Historic England to Highways England 10th Feb 2017
- 5) Appendix C Photograph Earl de Grey public house, Grade II Listed Building
- 6) Appendix D Photograph Castle Buildings, Grade II Listed Building
- 7) Appendix E Photograph Beverley Gate, Scheduled Monument

We do not anticipate a need to attend hearings, but we wish to reserve the right to attend should it be necessary.

Please contact me should you wish to discuss any of the above.

Regards

Keith Emerick

Keith Emerick MA, PhD
Inspector of Ancient Monuments
Planning Group

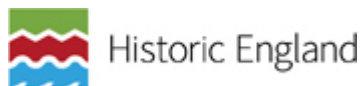
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Historic England

WRITTEN REPRESENTATIONS

ON BEHALF OF THE

HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND

(HISTORIC ENGLAND)

(“HBMCE”)

Application by

Highways England for an Order granting Development Consent for the

A63

Castle Street Improvement Scheme, Kingston Upon Hull

PINS Reference No: TR010016

HBMCE Reference No: 20016278

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1. INTRODUCTION

- 1.1. The following statement has been prepared by the Historic Buildings and Monuments Commission for England (HBMCE) for the Examination of Highways England's application for a Development Consent Order (DCO) for the nationally significant infrastructure project to construct the A63 Castle Street Improvement Scheme (the 'Scheme').
- 1.2. HBMCE has been involved through engagement with Highways England's development of the Scheme since 2008.
- 1.3. In accordance with the National Networks National Policy Statement (NNNPS) which is relevant in the determination of this Scheme, the Scheme should avoid or minimise the conflict between the conservation of any heritage assets affected and any aspect of the proposal. HBMCE's engagement and advice in relation to this Scheme has focused on assisting Highways England in this regard due to the potential for adverse impacts on the significance of the historic environment arising from the detail of the Scheme.
- 1.4. Discussions with Highways England in relation to the content of a Statement of Common Ground (SoCG) ended without agreement on 23rd January 2018. On Thursday 18th April 2019, Highways England contacted HBMCE to circulate a revised draft and propose a meeting to discuss the revised scope of a SoCG.
- 1.5. This Written Representation sets out HBMCE's position in relation to the significance of the designated and non-designated but nationally important heritage assets affected by the Scheme that it has engaged on, and the impact of the Scheme on the significance of those assets, including any contribution made by their settings to their significance.

2. ROLE OF THE HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND

2.1. The Historic Buildings and Monuments Commission for England is generally known as Historic England. However due to the potential for confusion in relation to “HE” (Highways England and Historic England), we have used “HBMCE” in our formal submissions to the examination to avoid confusion. HBMCE was established with effect from 1 April 1984 under Section 32 of the National Heritage Act 1983. The general duties of HBMCE under Section 33 are as follows:

“...so far as is practicable:

- (a) to secure the preservation of ancient monuments and historic buildings situated in England;
- (b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and
- (c) to promote the public’s enjoyment of, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation”.

We also have a role in relation to maritime archaeology under the National Heritage Act 2002 and advise Government in relation to World Heritage Sites and compliance with the 1972 Convention Concerning the Protection of the World Cultural and National Heritage.

2.2. HBMCE’s sponsoring department is the Department for Digital, Culture, Media and Sport, although its remit in conservation matters intersects with the policy responsibilities of a number of other government departments, particularly the Ministry of Housing, Communities and Local Government, with its responsibilities for land-use planning matters.

2.3. HBMCE is a statutory consultee providing advice to local planning authorities on certain categories of applications for planning permission and listed

building consent, and is also a statutory consultee on all Nationally Significant Infrastructure Projects (NSIP). Similarly HBMCE advises the Secretary of State on those applications, subsequent appeals and on other matters generally affecting the historic environment. It is the lead body for the heritage sector and is the Government's principal adviser on the historic environment as well as administering and advising the Secretary of State on applications for Scheduled Monument Consent (SMC), although in the case of an NSIP the DCO negates the need for a separate SMC.

- 2.4. In light of its role as a statutory consultee, HBMCE encourages pre-application discussions and early engagement on projects to ensure informed consideration of heritage assets and to ensure that the possible impacts of proposals on the historic environment are taken into account. In undertaking pre-application discussions for a scheme such as this, the key issue for HBMCE is ensuring that the significance and the impact on that significance of any heritage assets that may be affected is fully understood; that any proposals to avoid, or mitigate that impact have been considered and can be secured, and that the decision maker is fully informed and can be satisfied that there is clear and convincing justification for any harm with great weight given to the asset's conservation. Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset, the greater the justification that will be needed for any loss (NNNPS para 5.132).

3. SCOPE OF WRITTEN REPRESENTATION

- 3.1. As stated in our Section 56 Relevant Representation, HBMCE's interest in this scheme is focused upon the following designated and non-designated but nationally important heritage assets:
- (a) Grade II listed Earl de Grey public house;
 - (b) Grade II listed Castle Buildings
 - (c) Nationally important but non-designated archaeology
 - (d) Hull Old Town Conservation Area

The relevant entries on the National Heritage List for England for these designated heritage assets are set out in Appendix A.

3.2. We will describe below how the proposals physically interact with the Heritage Assets, their significance, and the impact of the scheme upon the Heritage Assets. We will address each monument individually in a narrative discussion.

3.3. The scope of HBMCE's written representation will include:

- a summary of the proposals;
- an outline of HBMCE's consultation and advice on the proposals to date;
- an update on the current production of the Statement of Common Ground;
- a brief description of the designated and non-designated heritage assets affected (as noted above) and an assessment of their significance (including that contribution made by their settings) and our assessment of the impact of the Scheme;
- HBMCE's comments and observations on the Environmental Statement (ES), including our advice regarding the likely effectiveness and suitability of the proposed mitigation measures;
- HBMCE's comments and observations on the draft DCO.

4. THE PROPOSALS AND HBMCE'S INVOLVEMENT WITH THE SCHEME

4.1. HBMCE Consultation and Advice to Date

4.1.1. HBMCE expect a summary of the consultation undertaken between HBMCE and the Applicant will be set out in the Statement of Common Ground (SoCG).

4.1.2. HBMCE was approached by Highways England (the Applicant) in 2008, and we understood at that time that they proposed to improve a section of the A63 between Ropery Street and the Market Place/Queen Street junction. The exact details of the Scheme, the design, and matters relating to construction compounds, extent of impact on the historic environment and proposed mitigation were at that point the subject of consultation through a series of Cultural Heritage Liaison meetings and during this process our first response was provided on 2nd April, 2013 in response to a written request for an ES Scoping Letter to PINS. On 10th February 2017 we responded to the request for a Planning Act 2008, Section 42 Duty to consult on a proposed application. This latter communication is included at Appendix B as it is the first substantive letter to Highways England referring to our concerns about the lack of detail in the Scheme proposal.

4.1.3. At that time, it was understood that the Scheme would impact on and would result in significant environmental impacts on the following heritage assets:

- The Earl de Grey public house
- Castle Buildings
- Nationally important but non-designated archaeological deposits
- The Old Town Conservation Area

We would note at this point, and will address in further detail later in the written representations about a possible impact on the Beverley Gate – a Scheduled Monument. The potential impact was identified during the compilation of the Environmental Statement, but is not identified as a defined project in the list of works in Schedule 1, Authorised Development, vol 3, 3.1 Draft Development Consent order. Historic England advised that the project had potential to cause harm to the significance of these designated and non-designated heritage assets.

4.1.4 Consultation continued up until January 2018 through a series of meetings with Highways England and their consultants. There have not been any further meetings between Highways England, HBMCE, City of Hull Council and the respective agents and consultants since that time.

4.1.5. In December 2018, HBMCE provided written representations to the Planning Inspectorate as part of the pre-examination process.

4.1.6. On 18th October 2018 the application for a Development Consent Order for the proposed improvement of the A63 was accepted for examination by the Secretary of State.

5. STATEMENT OF COMMON GROUND (SoCG)

5.1. Discussion with the Applicant regarding the draft Statement of Common Ground (SoCG) continued up until 23rd January 2018. This draft SoCG refers only to the impact of the proposal on the Trinity Burial Ground and does not include agreement on the archaeological deposits generally or the impact of the scheme on the listed Earl de Grey and Castle Buildings or the Old Town conservation area. This initial draft SoCG was created on 16th June 2017 and modified several times to clearly identify areas of agreement and disagreement. The current version (3.0) is dated 23rd January 2018, but as stated above refers only to the impact on the Trinity Burial Ground and therefore does not comply with the instruction at Annex B, para 3 B of the Rule 8 notification that there should be a SoCG with HBMCE covering 'the main effects of the development on heritage assets (focussing on the key, significant impacts)'. Historic England contacted the agents for Highways England on 3rd April 2019 to confirm the need for an all-embracing SoCG addressing both built and buried heritage assets. On Thursday 18th April, the consultants acting for Highways England circulated a new draft of the SoCG which does include reference to other heritage assets, and proposed that additional meetings would be required between us to agree its content and scope.

6. ASSESSMENT OF SIGNIFICANCE AND IMPACT ON DESIGNATED AND NON-DESIGNATED BUT NATIONALLY IMPORTANT HERITAGE ASSETS AFFECTED BY THE SCHEME

6.1. Statement of Approach

6.1.1. Under this section HBMCE sets out the significance of, and its assessment of the impact on the designated and non-designated heritage assets affected by the Scheme. We will address each individual asset in turn, however, their

cumulative significance and the relationships between individual assets are such that we will take a more holistic overview of the significance of the assets and their relationship to the story of Kingston Upon Hull.

6.1.2 HBMCE assesses significance in the following manner. The primary document is the *National Planning Policy Framework (NPPF) 2019* (supported by Historic England *Good Practice Advice in Planning: 2 'Managing Significance in Decision-Taking in the Historic Environment'* (2015)) in which 'significance' is described as being the sum of a range of 'interests'. The interest may be archaeological, architectural, artistic or historic, but significance also derives from the contribution made by the setting of a heritage asset. This method of assessment can be further refined by the application of the measures identified in the Historic England *Conservation Principles* (2008). Although this is a document for largely internal use, a number of agencies also use it in order to provide greater definition of statements of significance for heritage assets.

6.1.3 The *Conservation Principles* identifies the use of a set of 'values', similar to the 'interests' identified in the NPPF: these values are *evidential* (what we do not know about a place); *historical* (what the place illustrates or what historical associations it might have); *aesthetic* (how a place makes us feel and this can be something designed such as a designed landscape, or fortuitous, such as the appearance of a street, village, town or city and the way in which its aesthetic has developed over time); and *communal*, the social and commemorative aspects of a place.

6.1.4 HBMCE supports the aspirations behind the A63 improvement scheme , but we have a number of reservations concerning the impact of the scheme on heritage assets along its route. We also have reservations concerning the manner in which Highways England have established their criteria for assessment of impact and significance. Whilst we understand that the approach used is the standard approach used by Highways England, we consider that it is inappropriate for the assessment of heritage assets. This is best illustrated by Table 8.2 in Vol 6, 6.8 Cultural Heritage Assessment of the ES. In this Table it states that 'most Grade II listed buildings' are of 'Medium value'. It is the view of HBMCE that all Listed Buildings are nationally important. The implication of the criteria used by Highways England is that it

lowers the significance of all heritage assets and as a consequence reduces the implications of the impact of the proposals on those assets and their setting, and thus their heritage significance.

6.2 The Grade II Listed Building: Earl de Grey Public House. (NHLE no. 1297037)

6.2.1 Castle Street developed during the C19 within the context of a maritime hub and its urban mix served dock workers and seamen. In the early C19 century a series of docks were created to the west of the old town walls, using the former medieval defensive ditches, and by the early C20 this part of Castle Street was characterised by a dense urban grain of properties facing onto Castle Street that were surrounded by warehouses. The Grade II listed Earl de Grey Public House is one of two surviving structures representing the historic streetscape of Castle Street, one of the oldest routes into Hull, the other surviving structure being the Grade II Listed Castle Buildings.

The significance of the asset.

6.2.2. The Grade II Listed Earl de Grey Public House (NHLE no. 1297037) (NHLE no. 1297037). (originally known as the Junction Dock Tavern) faces onto Castle Street. It is believed to have been constructed in the early-mid C19 as part of a block comprising 6, 7 and 8 Castle Street. It is a rendered brick with faience (glazed and decorative tile) ground floor of circa 1913, slate roof, three-storeys. It is a good example of a C19 pub altered in the early C20 through the addition of an elaborate faience shopfront. It is one of only a few early buildings left remaining on the western half of Castle Street, one of the oldest routes into Hull, and is important as a physical reminder of dock life in this part of the town.

6.2.3 The Grade II listed Earl de Grey Public House figures prominently in the history of Hull. Communal heritage value derives from people's identification with a place. The Earl de Grey has meaning for the people and diverse communities that frequented the building during its long history as a public house due to its connection to the shipping industry. This gives the building considerable communal heritage value.

6.2.4 HBMCE considers the Earl de Grey as having ‘high value’ due to its considerable historic interest and the architectural interest of the faience shopfront. HBMCE therefore disagrees with the ‘medium value’ ascribed to the Grade II Listed Earl de Grey Public House in para 8.9.17 (page 30) of the Cultural Heritage Assessment (Volume 6, Appendix 6.8 Cultural Heritage Assessment, A63 Castle Street Improvement, Hull). See photograph at Appendix C.

HBMCE’s Assessment of Impact on the asset.

6.2.5. The Scheme proposes the dismantling of the Grade II Listed Earl de Grey Public House. Work No.30 ‘Work to listed buildings – Castle Buildings and Earl de Grey; partial demolition of Earl de Grey and partially rebuilding approximately 3 metres to the north of existing position’. However, apart from archaeological recording (not specified) prior to and during the dismantling, no additional mitigation has been proposed (para 8.8.9 (page 27) of the Cultural Heritage Assessment (Volume 6, Appendix 6.8 Cultural Heritage Assessment, A63 Castle Street Improvement, Hull)

6.2.6 HBMCE considers the impact of dismantling the Earl de Grey with no detailed scheme for its rebuilding would result in substantial harm to the significance of the Grade II Listed Building.

6.2.7 HMBCE considers that the minimum necessary requirement is that a detailed method statement should be provided for the archaeological recording and the taking down and rebuilding of this listed building, clearly establishing where the method refers to full dismantling and full or partial rebuilding. A detailed method statement should also be provided for the moving of the faience shopfront. A timetable for the rebuilding should also be agreed with Historic England and Hull City Council.

6.2.8 Table 1.8 ‘Predicted permanent operation effects on key historic buildings’ in the ES Volume 3, Appendix 8.3 states that ‘The buildings would be demolished during the Scheme. Operational impacts are therefore not considered’. HBMCE considers this wholly inappropriate for the future of the Grade II Listed Building as it does not take into account the

desirability of sustaining, and where appropriate, enhancing the significance of heritage assets (para 5.130 of the NNNPS).

6.2.9. The lack of information and detail regarding the works proposed to the Grade II Listed Earl de Grey does not address the requirement in the para 5.3.1 of the NNNPS to give 'great weight' to the asset's conservation when considering the impact of a proposed development on the significance of a designated heritage asset. This also does not fulfil the key objectives of the Scheme set out in the ES 6.4 Non-Technical Summary Volume 6 which is to 'enable the minimisation of environmental impacts through design' and identify opportunities to provide environmental improvements where possible.

6.2.10. HBMCE has consistently advised since the initial proposal for change to the A63 that a programme of works should be developed following an options appraisal to identify the most appropriate method of moving the Grade II Listed Building. We have provided the applicant with Structural Engineering advice to assist in this process and address these issues. This advice does not appear to have been used to inform the current proposals.

6.2.11 Having regard to paragraphs 5.120 and 5.137 of the NN NPS, HBMCE does not consider that the Scheme takes any opportunities to enhance the Grade II Listed Earl de Grey or its setting.

6.3. The Grade II Listed Building: Castle Buildings (NHLE no. 1208094)

6.3.1 The Grade II Listed Building Castle Buildings (NHLE no. 1208094) is located a few metres west of the Grade II Listed Earl de Grey Public House. The list entry identifies the building as 'Castle Buildings' (used in these Written Reps) but it is also known locally as Castle Street Chambers. We understand that the Scheme proposes the partial demolition of the Grade II Listed Castle Buildings.

6.3.2 Part of the Listed Building (the part identified in the most recent list description dated 26 July 2017 as being 'attached to the southern corner of the building is

13 and 14 Castle Street, which is heavily altered and damaged by fire, and is excluded from the listing) was demolished in December 2018. It should be clarified whether any further demolition of this Grade II Listed Building is required for the purposes of the Scheme.

The significance of the asset.

6.3.3 The Grade II Listed Building: Castle Buildings (NHLE no. 1208094), was constructed in 1900 as the offices of steamship owners and brokers. It is designed in the Renaissance Revival Style by B S Jacobs of Kingston upon Hull and uses mellow brick with ashlar dressings and a slate roof, two storeys plus attic. It has a striking curved frontage that takes full advantage of its prominent corner location on one of the oldest routes into Hull. The building's original function as a shipping office remains legible through the numerous historic features retained in the interior. There is clear differentiation between more formal meeting spaces, offices and the general public. Being located close to the docks it is an important physical reminder of Hull's maritime history and trading links, and has been occupied by a succession of maritime-related tenants throughout its history until the 1970s.

6.3.4. The principal elevations of the Grade II Listed Castle Buildings consist of five two-storey bays along Waterhouse Lane and six bays curving around the corner frontage, the last three of which rise to three storeys. The distinctive form of the building combined with the polychromatic treatment of the elevations and four chimneys make this a distinctive landmark building particularly in views from the west. See photograph at Appendix D.

6.3.5. The setting of the Listed Building has been affected by the loss of surrounding buildings and the widening of the A63 Castle Street in the 1970s. However, it remains an important touchstone to the past townscape as it marks the corner of Castle Street and Waterhouse Lane. It sits with the Earl de Grey as one of the two remaining bastions on this significant route to Hull Docks and this is recognised in its listed status.

6.3.6. We consider the Grade II Listed Castle Buildings 'high value' by virtue of its considerable special architectural and historic interest deriving from its

architectural character, landmark qualities and the remarkable survival of its original interior. HBMCE disagrees with the 'medium value' ascribed to the Grade II Listed Castle Buildings in para 8.9.16 (page 30) of the Cultural Heritage Assessment (Volume 6, Appendix 6.8 Cultural Heritage Assessment, A63 Castle Street Improvement, Hull).

HBMCE's Assessment of Impact on the asset.

- 6.3.7. The Scheme proposes the partial demolition of the Grade II Listed Castle Buildings. However, it is unclear how much of the Listed Building and which parts are proposed for demolition or the manner in which the retained portions are to be identified and secured during the demolition phase in order to protect the Listed Building.
- 6.3.8. The Cultural Heritage Assessment (Volume 6, Appendix 6.8 Cultural Heritage Assessment, A63 Castle Street Improvement, Hull) para 8.1.2 (page 5) identifies that during the construction of the Scheme there would be temporary significant adverse effect and a permanent significant adverse effect on the Castle Buildings (8.1.3) as a result of the construction of the Scheme. HBMCE agrees that there is the potential for a permanent significant adverse effect on the Listed Building, however the extent of the impact is heavily dependent on the quality of the new public realm and landscaping works within its setting.
- 6.3.9. The Scheme would result in the carriageway moving closer to the Grade II Listed Building meaning there would be an increased impact from visual intrusion, noise, pollution and vibration. HMBCE agrees that changes to the historic setting of the building and further degradation of the historic street layout of Castle Street would have a permanent moderate significant adverse effect on the Listed Building.
- 6.3.10. Having regard to paragraphs 5.1.20 and 5.137 of the NN NPS, HBMCE does not consider that the Scheme takes any opportunities to enhance the Grade II Listed Castle Buildings or its setting.

6.4. The Nationally important but non-designated archaeology

6.4.1 This is a large group made up of two component parts:

- The Trinity Burial Ground, and
- The archaeological deposits along the route of the A63 improvement corridor.

6.5 The Trinity Burial Ground.

6.5.1. The Trinity Burial Ground is located at the west end of Castle Street (the A63), on the south side of the carriageway. Approximately one third of the burial ground (and its associated archaeological and burial deposits) will be lost by changes introduced for the A63. Originally a detached burial ground for Holy Trinity Church (in Hull Old Town), the burial ground is currently used as public open space.

6.5.2 The burial ground was open from 1783 until 1861, and used to accommodate the deceased from the rapidly expanding city of Hull. The cemetery remains consecrated under the rites of the Church of England. Archaeological evaluation of the site conducted in 2015 estimates that the likely population size of that portion of the Trinity Burial Ground to be removed to accommodate the Scheme is in the region of 16,255 individuals. Also located at the eastern periphery of the Trinity Burial Ground are the buried remains of a Georgian period gaol which is also to be removed to accommodate the construction of the Scheme.

Significance of the asset

6.5.3 The Trinity Burial Ground was in use at a critical period in the history of Hull; it was at this time (1783 to 1861) that Hull expanded dramatically from a walled medieval town to the primary industrial scale commercial, fishing and whaling centre on the north east coast. As a consequence of this expansion, the population of Hull changed dramatically in terms of population numbers (from 22,161 in 1801 to 65,670 in 1841), but also in terms of its make-up by class and origins (as a result of internal migration and migration from further afield as was common in maritime centres).

6.5.4 The archaeological excavation of large cemeteries has been a relatively rare occurrence. New urban development and infrastructure projects across England have meant that greater numbers of 16th to 19th century burial grounds are being excavated (Cross Rail, HS2 and London Heathrow being examples). It is even more unusual to have the opportunity to excavate an early industrial era cemetery outside of London and the south east of England. The analysis of human remains and associated funerary materials and deposits from this period are providing new and potentially revolutionary information on a range of topics including the relationships between industrialisation, work, class, health and migration.

6.5.5 However it is the size of the buried population at the Trinity Burial Ground and the opportunity this offers for research beyond that proposed by Highways England that sets it apart from other burial grounds currently or recently excavated. When taken in combination with the ‘outside of London’ location, a tightly defined time period and the dramatic step change from one type of settlement to another, the Trinity Burial Ground offers a unique opportunity to understand the way in which populations and places changed at this crucial time in the history of Hull, the region and the nation.

6.5.6 The Trinity Burial Ground therefore has high ‘evidential’ value and archaeological and historic ‘interest’ as it has considerable archaeological potential and the capacity to tell us a great deal about what we do not currently know about the population of Hull at a critical period in its history. There is considerable historical value as the cemetery has the potential to illustrate the manner in which known burial and social practice changed over time and it may be possible to link the site to named individuals. The site has some communal value as a public open space, but this value can be enhanced through the proposed community heritage project identified in the archaeological mitigation strategy. HBMCE considers that the Trinity Burial Ground is a nationally important but non designated heritage asset.

HBMCE’s Assessment of Impact on the asset.

6.5.7 The proposed excavation strategy for the Trinity Burial Ground is outlined in 'Vol 3, Appendix 8.6 'Cultural Heritage – advance archaeological works: Holy Trinity Burial Ground'. All the funerary remains within the approximate one third of the area to be affected by the Scheme will be removed archaeologically. We support this approach as we consider it is more appropriate than using a cemetery clearance contractor and more fitting given the national importance of the archaeological deposits and remains.

6.5.8 Because the Trinity Burial Ground remains consecrated, a Faculty will be required to undertake all the proposed development works within the burial ground. The Diocese of York, Diocesan Advisory Committee and Parochial Church Council have made it clear that they will only countenance a sample size of a maximum of 10% (approximately 1500 individuals) of the individuals within the excavation area. Furthermore it is their position that this 10% sample is not taken off site and not retained for additional research.

6.5.9 The guidance for best practice in these circumstances is defined in two documents. The first is '*Guidance for Best Practice for the Treatment of Human Remains Excavated from Christian Burial Grounds in England*' 2017, (2nd ed), published by the Advisory Panel on the Archaeology of Burials in England. This advisory panel is made up of members from Historic England, the Ministry of Justice and the Church of England, the purpose of which is to provide a unified source of advice to professionals on the treatment of human burials from archaeological sites in England. The second guidance document is '*Large Burial Grounds: guidance on sampling in archaeological fieldwork projects*', Advisory Panel on the Archaeology of Burials in England, 2015. In both these documents the ethics and the benefits of further research on human material is clearly set out, as is the need for the identification of a viable sample size.

6.5.10 It would be impractical to conduct research on every individual recovered from a burial site, and thus the established best practice is to identify a sample of the deceased population, but a size of sample from which meaningful statistical analysis can be drawn. Defining an appropriate sample size relies on the particular circumstances of each burial site, but it is accepted practice that meaningful osteoarchaeological results can only be obtained from those individuals where the remaining skeletal portion is over 25% complete.

Although the largest possible sample size is desired and can range from 20% to 50% of the total number of individuals over 25% complete, there is no set sample size, and each case is case dependent. In many cases the number of burials included in the sample size is more important than the percentage.

6.5.11 Following identification about the sample size required for additional post-excavation research, this sample would be taken off site for further research, and in some cases might be retained as a teaching collection (although this is not proposed in this case). This additional research is above and beyond what would be undertaken and financed by Highways England as a consequence of the impact of their scheme, but as current good practice it requires that the Scheme allows for the retention of the human material offsite for a set period and its subsequent reburial on site. The suggested research would take in the region of 5 to 10 years to complete and would be funded by the research community.

6.5.12 We consider that the position adopted by the Diocese and Highways England is contrary to agreed and published best practice and fails to meet the requirements of para 5.140 of the NNNPS. An appropriate comparison site is the Georgian and Victorian period cemetery at Park Street, Birmingham (an HS2 case) where the sample size is 3,000 out of a burial population of 9 to 10,000. In this case (and as should be the case at the Trinity Burial Ground) the sample size reflects the opportunity and importance of researching a provincial community from outside London and south east.

6.6 The archaeology along the route of the A63.

6.6.1 The development corridor of the Scheme has been divided into 10 zones, with each zone given an estimate of its potential for Prehistoric / Romano-British, Early medieval, Medieval and Post-medieval remains (page 42, Table 2.5, Environmental Statement, Vol 3, Appendix 8.1).

6.6.2 The archaeological deposits along the route of the A63 corridor are complex, potentially deep, but may also include impact on a designated heritage asset, being the scheduled monument of the Beverley Gate (NHLE 1430250). Para 8.9.9 (page 29) of the Cultural Heritage Assessment

(Volume 6, Appendix 6.8 Cultural Heritage Assessment, A63 Castle Street Improvement, Hull) states that “Temporary construction impacts would not affect the majority of buried archaeological remains. The exception would be the scheduled monument of Beverley Gate where the buried remains form part of a sunken display at the north end of Princes Dock Street in Queen Victoria Square. However, the Scheme would not change the setting of the scheduled monument to the extent that would produce a significant effect.” Works to the Beverley Gate are not specifically identified in Schedule 1 of the Authorised Development, although works to Princes Dock Street (which leads to the Beverley Gate) are identified in Schedule 1 (Work No 25). This lack of clarity with regard to the possible impacts of the Scheme is a matter of considerable concern as it is far from clear what works might be intended and why and whether they are located within the monument or its setting.

6.6.3 Kingston Upon Hull was established as a new planned town by Edward I in 1299, situated on the west side of the angle created by the junction of the north– south River Hull and the east-west River Humber. There is evidence for a series of medieval settlements preceding the creation of Hull to the west of the core of the medieval town, and as is common with medieval settlements particular types of archaeology can be predicted (and are known) on the periphery of the settlement and beyond. Typically religious houses, roads, burial sites, and industrial and semi-industrial functions could be located outside town walls.

6.6.4 As Hull developed during the medieval and Late Medieval periods its status as a commercial and military centre led to its expansion; central to this was its role as a staging post between London and Scotland. Henry VIII invested considerable resources into Hull, expanding its military and defensive capabilities with the addition of state of the art military block houses (on the east side of the River Hull), which were later incorporated into an extensive military and artillery citadel serving as a regional arsenal and defensive fortification to protect Hull and the Humber. This increasing complexity of the defensive capability of Hull also applied to its western side where the Beverley Gate is located as one section of the encircling defences. During the 1630s and 1640s the town defences on the west side of Hull were expanded and modernised.

- 6.6.5 Following the removal of the town walls and the creation of the docks on the line of the former town ditches in the late 18th century, industrial and semi – industrial uses of the area to the west of the Old Town expanded and intensified in line with Hull’s developing role and status, up until Hull’s decline as a deep sea fishing centre during the 1980s.
- 6.6.6 The archaeology along the A63 development corridor is more than just archaeological remains from a number of periods. The low-lying estuarine location of Hull means that its potential for the successful application of geoarchaeology, and palaeoenvironmental approaches to recover data relating to its pre and early prehistoric environmental and landscape context is considerable. The value of this information is that it would provide information on the earlier and prehistoric environment of the immediate locality and region, but would also provide environmental context for a range of projects currently underway, such as the developing understanding of glacial and post glacial impacts in the north of England and the significance of ‘Doggerland’, the area of land that connected the British Isles with continental Europe. HBMCE considers these deposits to be nationally important, but non-designated.

Significance of the asset

- 6.6.7 The A63 improvement Scheme is the only urban trunk road scheme in the country and it offers the rare opportunity to explore a long transect through a provincial English city. This will allow us to understand its earliest landscape and environmental context and the birth, expansion and decline of a planned medieval urban settlement.
- 6.6.8 The Scheduled Beverley Gate consists of the buried and visible remains of the medieval town gate, town wall, rampart and ditch. The medieval defences of Hull were first established between 1321 and 1332 with a ditch, rampart and timber defences. There were four principal gateways in to the city, with the Beverley Gate being located at the north west corner of the defensive circuit. Between 1341 and 1404 the existing earthen defences were replaced in brick, with the front of the ramparts cut away and the brick

wall, interval towers and gates added in its place. An estimated 5 million bricks were used in the construction of the defences making it the largest single use of brick in medieval England.

6.6.9 A wet moat sat in front of the walls, spanned by drawbridges located at the four gateways. The defences were strengthened after 1541 and 1580 and again in 1626 – 29 when a pair of two storey guard chambers were added to the rear of the Beverley gatehouse. In 1638 – 42 hornworks (half -moon batteries) were added to the front of the gateways. The gate was partially demolished in the 1730s, upgraded for the 1745 Jacobite Rebellion, but from 1774 to 1780 the walls, ditches and ramparts were removed to make way for a series of wet docks encircling the west side of Hull, linking the Humber with the River Hull. The majority of the area encompassed by the defensive perimeter is now identified as the Old Town conservation area.

6.6.10 The significance of the Beverley Gate can be found in its evidential value and archaeological interest (what it can tell us about the origins, evolution and decline of the medieval defences of Hull and the status of Hull), its historical value and interest (its links to named individuals and national events) and its communal value (as a conserved structure, open to the public). It was very rare for medieval English urban settlements to have a continuous circuit of walls, interval towers, ramparts, ditches and gates. Of the 700 known medieval urban centres only between a quarter and a fifth had defences, and of that proportion most had gates and/or earthen banks that were purely symbolic rather than defensive. The strategic importance of Hull required that it had a continuous circuit of defences.

6.6.11 It was in 1642 that the Beverley Gate became established in British history as it was here on the 23rd April 1642 that King Charles I was refused access to the city by the governor of Hull acting on the instructions of Parliament, and act of rebellion that was to be final step on the road to the outbreak of the English Civil War.

6.6.12 The site of the Beverley Gate includes buried and substantial standing remains. Excavation at the site in the 1980s exposed half of the gate and a

section of wall standing to a height of almost 2 meters (see photograph at Appendix E).

6.6.13 Following excavation the visible half of the gateway was consolidated and put on display in a purpose built amphitheatre, which has been recently reconfigured in 2018 and is used as a place of commemoration every April 23rd to mark the anniversary of Charles I being refused entry to the city. To the south of the visible portion, the other half of the gate is likely to survive to a similar extent, including waterlogged remains retaining well preserved organic material. To the north of the visible portion, the town wall continues with a portion of rampart to the rear and the town ditch to its front with waterlogged deposits in its fill.

6.6.14 If conducted in an integrated and thoughtful manner the archaeological works associated with the improvement of the A63 represents an unprecedented opportunity in the north of England to deliver considerable archaeological knowledge gain, but might also allow considerable community engagement and participation. As a consequence (using the terminology of the Historic England *Conservation Principles*), the archaeological remains have high evidential, historical and communal value, but these values and the potential of the archaeological component of the Scheme cannot be realised and delivered through the proposed archaeological strategy.

HBMCE's Assessment of Impact on the asset.

6.6.15 The suggested approach to the archaeological deposits is identified in the DCO supporting documentation and is spread across several documents (6.8 Cultural Heritage Assessment; Volume 3 Appendix 8.1 Baseline Conditions, which also includes 'Vol 3, Appendix 8.4, A63 Castle Street Improvements, Hull: Assessment, Mitigation and Deposit Modelling'). The need to excavate and record the deposits physically impacted by the Scheme is accepted and agreed as we concur with Highways England that a preservation in-situ approach is not realistic in these particular circumstances as the proposed works require reduction of ground levels with their associated archaeological deposits.

- 6.6.16 Specific Written Schemes of Investigation (WSIs), method statements and all-embracing SoCG have yet to be agreed between Highways England and Historic England, contrary to page 26, para 8.6.5 of ES Volume 1, Chapter 8). Because the suggested archaeological mitigation strategy has been spread across several documents the end result is that the proposed response to the impact of the Scheme is contradictory and confused.
- 6.6.17 In the Deposit Model document the Synthesis section (page 51, para 5.1.1) states that the previous evaluation work 'clearly indicate that the road-improvement corridor contains significant below ground archaeological and geo-archaeological remains.' This is contradicted by page 19, Table 8.5, Archaeological Potential by Zone, ES Volume 1, Chapter 8 which states that the palaeoenvironmental, Prehistoric / Romano-British and Early medieval potential is low across all the 10 zones of the development corridor (with the exception of Zone 3, described as 'medium' for palaeoenvironmental potential.
- 6.6.18 This confusion and contradiction needs to be resolved at the earliest opportunity. At present it is agreed that the Scheme can only take place between two known points along the current road corridor. It is also agreed that nationally important but undesignated archaeological remains are known to exist along the route of the Scheme. It is further accepted that the Scheme will have an impact on those deposits. However, the confusion and contradictions surrounding the impact of the Scheme and the necessary archaeological mitigation raise very basic questions about the scope of the Scheme. If there is uncertainty about the degree of impact on archaeological deposits (as suggested by some but not all of the supporting documentation) it is not clear therefore how that impact can be assessed and agreed, be considered acceptable and be subject to an appropriate archaeological recording strategy. The need to record these archaeological deposits is accepted, but there is at present no coherent archaeological mitigation strategy or clear indication of how any strategy will be delivered and secured. As a consequence the values and significance attached to the archaeological remains and deposits cannot be realised.

6.6.19 Should works be required to the Scheduled Beverley gate a number of contradictions in the supporting documentation need to be resolved as soon as possible. The statement at para 8.9.9 of the Environmental Statement (page 29, Volume 6, Appendix 6.8 Cultural Heritage Assessment) confuses two concepts. The statement equates the area of the sunken display with the remains of the Beverley Gate when in fact the remains of the Beverley Gate and the sections of attached city wall are larger and more extensive than that currently on display, and it comments that the (unknown) works would not produce a “significant effect”. We have already drawn attention to the inconsistency between ‘significance’ as used in the NNNPS (para 5.128) and NPPF (para 189) and in the Highways England criteria for the assessment of significance (see above 6.1.5). In the example of the Beverley Gate it is important that the impact of the proposal on the ‘significance’ of the heritage asset is fully understood, not that an action or work would or would not produce a ‘significant effect’. It is possible that a large intervention into a site might have a significant effect (the creation of a visitor centre for example) but might only have a moderate effect on the significance of the asset.

6.6.20 In considering the impact of the proposal on the significance of the scheduled monument HBMCE considers there is insufficient information to understand how the works will be undertaken and therefore it is not possible to assess or understand the extent of the impact.

6.7. The Old Town Conservation Area

6.7.1 The route of the A63 Castle Street passes through the Old Town Conservation Area at the eastern end of the route, between Market Place and Queen Street. Approximately 900m of the route will have a direct physical impact on the conservation area. c. 370m of the route runs along the northern boundary of the Old Conservation Area (Southern Part) and c.520m of the route runs fully within the Old Town Conservation Area. The route lies along the northern boundary of the Southern Part and the southern boundaries of the Western & Northern Park and the Central & Eastern Part. Refer to Volume 2 Figure 8.4 of the ES.

The significance of the asset

6.7.2 The present day city of Kingston upon Hull developed from a small 12th century settlement known as Wyke upon Hull. The Old Town Conservation Area is named after the medieval town which occupied the core of the area and is located in the southeast corner of Hull City Centre. It was designated by Hull City Council as a Conservation Area in 1973; recognised as outstanding by the DoE in 1975; and formally extended in 1981, 1986 and 1994 to include the north and south ends of the High Street and most of the area between Castle Street and the Humber Estuary.

6.7.3 The historic Old Town to the north east and the Fruit Market to the south east are a distinct character area, identified in Chapter 9 of the ES. The interface of the development corridor with the Old Town Conservation Area requires an integrated designed approach in terms of the materials to be used here which relates to the recently undertaken public realm works in the wider area undertaken for the UK City of Culture 2017.

HBMCE's Assessment of Impact on the asset.

6.7.4 The Landscape Proposals Volume 2 Figure 9.8 indicates surface treatments and planting schemes in these areas. However, it is not clear how these have been designed to respond to the heritage significance of the Old Town Conservation Area, or how they will be managed and sustained post-delivery of the Scheme.

6.7.5. HBMCE recommends the submission of visual information to show the impact during construction and operation of the Scheme which is needed to assess the nature and extent of this impact on the significance of Hull Old Town Conservation Area and the Grade I Listed Statue of William III (see section 6.9). In HBMCE's view it is not yet possible to provide a final assessment of the combined effects of the impact of the Scheme since there is outstanding information required to complete that assessment as detailed above.

6.8. The Grade I Listed Building Statue of King William III and Flanking Lamps (NHLE 1197697), located in the Hull Old Town Conservation Area.

Significance of the heritage asset

6.8.1 The statue was erected in 1734 to the memory of King William III (refer to Appendix A for the List Entry). It is a larger than life equine statue that is an iconic focal point on Market Street, at the centre of the street. Its location, position and place in the streetscape makes an important contribution to the significance of the Grade I Listed Building.

HBMCE's Assessment of Impact on the asset

6.8.2. The immediate and wider setting of the Grade I listed building will be directly affected by the Scheme.

6.8.3 The Cultural Heritage Assessment (Volume 6, Appendix 6.8 Cultural Heritage Assessment, A63 Castle Street Improvement, Hull) para 8.1.2 (page 5) identifies that there would be a temporary significant adverse effect on the Grade I Listed William III and Flanking Lamps during the construction of the Scheme. No permanent effects are identified, however HBMCE considers that this depends heavily on the public realm and landscaping scheme for the setting of the Grade I Listed Building and this part of the Old Town Conservation Area.

6.8.4 HBMCE considers that there is insufficient information to understand the impact on the significance of all of the Grade I Listed Buildings and the Conservation Area.

7. ENVIRONMENTAL STATEMENT

7.1. HBMCE has reviewed the Environmental Statement (ES), primarily focusing on *Volume 6 'A63 Castle Street Improvement, Hull Scheme Number: TR010016 6.8 Cultural Heritage Assessment. Volume 6, September 2018.*

7.2. Chapter 6 Cultural Heritage

7.2.1. The Grade II Listed Building: Earl de Grey Public House. (NHLE no. 1297037)

7.2.2. The Cultural Heritage Assessment 6.8, Volume 6, para 8.5.13 states that 'Historic England would not support the dismantling of any Grade II listed building'. We wish to clarify that we advised on the need to clearly and convincingly identify the best option for the future of the Listed Building through an option appraisal process and then by producing a method statement for the preferred option. In a letter to HE dated 8 February 2018 HBMCE stated that – 'HBMCE would object to the proposal to demolish the listed building if there was no accompanying proposal that would secure its reinstatement / partial reinstatement of the building sufficient to preserve and where possible enhance its heritage significance, including its setting, after the works to the A63 have been completed'.

7.2.3. HBMCE concurs with the assessment of impact on the Grade II listed Earl de Grey Public House being 'direct and permanent adverse' identified in the Cultural Heritage Assessment (Volume 6, Appendix 6.8 Cultural Heritage Assessment, A63 Castle Street Improvement, Hull) para 8.7.5 (page 24) and 'major negative impact caused by its dismantling' identified in para 8.9.17 (page 30) of the Cultural Heritage Assessment 6.8, Volume 6

7.2.4. The Cultural Heritage Assessment (Volume 6, Appendix 6.8 Cultural Heritage Assessment, A63 Castle Street Improvement, Hull), para 8.8.9 (page 27) states that – 'The Earl de Grey public house would be dismantled as part of the Scheme. The buildings would be archaeologically recorded prior to and during the dismantling process in line with Historic England guidance. However, the future use and location of the dismantled building elements has not been finalised at this stage of the Scheme. No mitigation has been proposed. HBMCE considers that this is wholly inadequate. The advice that we have provided over the past year has not been followed. We are in particular extremely concerned about the potential dismantling of the highly significant faience shop front. This will require a bespoke programme of works as it is potentially fragile. It may

need to be moved or removed as a single piece or in a number of sections, but neither approach has yet been established and agreed.

7.2.5 Planning and listed building consent applications have been submitted to Hull City Council (19/00334/LBC and 19/00333/FULL for the demolition and partial rebuilding of the Earl de Grey public house; erection of link extension to Castle Buildings and Earl de Grey; external alterations to Castle Buildings; use of relocated Earl de Grey, Castle Buildings and link extension for café or restaurant (A3) and/or drinking establishment (A4) and/or office (B1a); the erection of a 9 storey hotel; new public realm and associated works, including landscaping, car parking and servicing, and associated infrastructure. This is not part of the DCO.

7.2.6 HBMCE was consulted on these applications on 8 April 2019 and we are carefully considering the proposals. However what is clear is that there needs to be clarity on what the relationship is between the planning and listed building consent applications and the DCO. Further consideration is required on this relationship and once further information is provided on this, then HBMCE will be in a position to update the Examining Authority on its views on this matter.

7.3. The Grade II Listed Building: Castle Buildings (NHLE no. 1208094)

7.3.1. HBMCE concurs with the assessment that there would be a permanent moderate negative impact caused by changes to its setting for the reasons set out in The Cultural Heritage Assessment (Volume 6, Appendix 6.8 Cultural Heritage Assessment, A63 Castle Street Improvement, Hull) para 8.9.16 . It is unclear what opportunities have been taken to enhance the setting of the Grade II Listed Building other than the landscaping proposals shown on Volume 2 Figure 9.8 Landscaping Proposals showing amenity grass and a semi-mature standard tree a couple of metres to the west of the Listed Building. It is unclear how the contribution setting makes to the significance of the Listed Building has been considered.

7.4. The Nationally important but non-designated archaeology.

7.4.1. On the basis of the information presented in the ES it is not possible for HBMCE to fully understand the assessment of impacts and mitigation measures provided by the applicant to secure and enhance the significance of these heritage assets.

7.5 The Trinity Burial Ground

7.5.1 HBMCE agrees with the definition of impact identified in the ES (para 8.1.2) 'during construction of the Scheme there would be a temporary significant adverse effect on the Trinity Burial Ground, and para 8.1.3 'as a result of the Scheme there would be a permanent significant adverse effect on the Trinity Burial Ground). However, we disagree with the assessment at 8.5.21 of the ES which states that '...any temporary land take involved with the proposed scheme has the *potential* to impact on archaeological remains' (our italics). We consider that any land take will have considerable adverse effects on the significance of nationally important but non-designated archaeological deposits owing to the rarity and archaeological potential of the human remains.

7.5.2 HBMCE concurs with the assessment of impact stated in the ES para 8.9.15 (Permanent construction impacts) to the effect that there will 'a permanent major negative impact on the Trinity Burial Ground'. However, we consider that this 'permanent negative impact' will be exacerbated by the suggested archaeological strategy for the site and the lack of off-site research on an appropriately sized burial sample as it will not realise the archaeological potential of the buried assemblage.

7.5.3 HBMCE provided comment on the draft excavation Project Design in January 2017, but our comments have not been reflected in the current version of the Project Design. HBMCE have confirmed to both Highways England and the Diocese that we do not wish to see the human remains sample retained indefinitely or retained as a teaching collection. We consider that a period of 10 years for research and then reburial on site is adequate. Additionally we have confirmed that we would be willing to accept a smaller sample size, provided that the burials recovered from the now complete public realm works around Holy Trinity church are amalgamated into the further research sample

and funded through the Highways England Designated Funds (HEDF) resource. HBMCE has been in discussion with Highways England for several years over the use of the HEDF and we have devised a research project using the human material from Holy Trinity Church, which is currently being considered by HEDF. The benefit of incorporating this material into the Trinity Burial Ground material is that the human remains from Holy Trinity Church are largely medieval and post-medieval and therefore it would be possible to analyse a longer span of human occupation and change from Hull, giving greater contextual value to the Trinity Burial Ground remains.

7.6 The archaeology on the route of the A63.

- 7.6.1 The lack of clarity surrounding the definition of works, the impact on heritage assets and the necessary mitigation has been identified and discussed above in paras 6.6.1 to 6.6.20 and does not need to be repeated here.
- 7.6.2 However, it is important to state that the confusion of impact assessment and potential is exacerbated by the philosophical approach to the archaeological deposits adopted by Highways England in the Environmental Statement. The suggested archaeological approach asks the wrong questions of the archaeological resource as it privileges the idea of 'remains' above data. It is highly possible that the likelihood of recovering in-situ 'remains' and objects will be 'low', but the archaeological potential of the development corridor will be 'high' by virtue of the waterlogged nature of the deposits and the opportunity to conduct extensive geoarchaeological and palaeoenvironmental work, as identified above at 6.7.6.
- 7.6.3 The confusion and internal contradictions of the archaeological component of the ES needs to be resolved as soon as practicable if the archaeological potential of the Scheme and the values and significance associated with those deposits and remains is to be realised.

7.7 The Beverley Gate.

- 7.7.1 HBMCE has not been part of any discussion concerning the nature of or impact of the proposed works on the significance of the Beverley Gate scheduled

monument. Para 8.9.9 of the ES (and the ES generally) does not provide any clarification of what works might be proposed and why.

7.8 The Old Town Conservation Area

7.8.1 The Cultural Heritage Assessment (Volume 6, Appendix 6.8 Cultural Heritage Assessment, A63 Castle Street Improvement, Hull) para 8.9.22 (page 31) concludes that ‘overall there would be no significant effect on the Old Town Conservation Area’ during the operational phase of the Scheme. We consider that this is heavily dependent on the provision of landscape and public realm improvements at the interface of the development corridor.

8. DEVELOPMENT CONSENT ORDER (DCO)

8.1. The purpose of HBMCE’s comments on the DCO is to ensure that if appropriate mitigation measures are required to address any issues, that these are set out in the DCO and their provision is then undertaken and maintained to ensure that the protection and conservation of the designated and non-designated but nationally important heritage assets is delivered. This is important not only during detailed design of the Scheme, but during its construction implementation and operation of the Scheme. This includes the production of and referral to appropriate management documents and an archaeological and historic environment mitigation strategy for any designated and non-designated assets that may be affected. The points raised below are issues that we consider need to be dealt with in the terms of the DCO in order to ensure that the significance of heritage assets are enhanced and sustained.

8.2. The following comments cover articles under Part 1-7, and Schedules 1 to 10:

Part 4, Supplemental Powers:

8.2.1. *21. Protective works to buildings* – The special architectural and historic interest of any listed building affected should be appropriately protected from collateral damage during construction of the Scheme. The special architectural and historic interest of any listed building affected should be a

primary consideration with any works. The local planning authority and HBMCE should be consulted on any works affecting a Grade I or Grade II* listed building, and the local planning authority should be consulted on any works affecting a Grade II listed building.

8.2.2. *22.1.c Authority to survey and investigate land* - HBMCE would expect the Applicant to agree in advance the extent, scope and methodology of any archaeological survey or investigation conducted with the local planning authority and (where a scheduled monument is involved) HBMCE under the WSI to be included under the CEMP. Given the lack of detail in the supporting ES documentation, the Written Schemes of Investigation should be revised as soon as possible and be completed sufficiently in advance of the commencement of construction for the results to be analysed to inform an appropriate and proportionate mitigation strategy for that same part of the Scheme.

Schedule 1 – Authorised Development.

8.3. Works to the Scheduled Monument of Beverley Gate are not identified in Schedule 1, although they are referred to in the Cultural Heritage section of the ES (p 29 para 8.9.9, Vol 6, App 6.8).

Schedule 2 – Part 1, Requirements:

8.3.1. All archaeological investigation that can be conducted and completed sufficiently in advance of the commencement of construction works should be supported by revised and agreed WSI documentation agreed with HBMCE at the earliest opportunity. This revision should be undertaken to ensure that the results can be analysed and used to inform an appropriate and proportionate mitigation strategy across the Scheme.

8.3.2. Given the potential for archaeological remains to be uncovered which are non-designated but nationally important, and those associated with the Beverley Gate scheduled monument, HBMCE would wish to be consulted now on the scope, extent and methodology for archaeological work in the relevant parts of the Scheme under the WSI.

- 8.3.3. All the WSI documentation is to include for the removal of human remains, across the Scheme area, and not just at the Trinity Burial Ground. Consent will need to be obtained from the Secretary of State for Justice to remove human remains. HBMCE would expect the treatment of human remains to be addressed under all the relevant WSIs.
- 8.3.4. It is essential that the Scheme confirms that provision is made for adequate post excavation and analysis works and for subsequent reporting and publication including and publication of information about the historic A30 route and the investigation undertaken historically and as part of this Scheme in a popular, accessible format.

9. SUMMARY AND CONCLUSION

- 9.1. In conclusion and to summarise our written representation, HMBCE considers that there remain to be addressed important issues requiring action and clarification by the Applicant and we have concerns that the suggested approach to development fails to minimise harm to the historic environment. Specifically there is a lack of information concerning:
- The Earl de Grey public house, and the proposals for its demolition, relocation and reconstruction
 - The Castle Buildings, Castle Street, and the proposals for its partial demolition
 - The Old Town Conservation Area, and the impact of the Scheme on Listed Buildings and the landscape treatment between the interface of the A63 and the conservation area.
 - The scheduled Beverley Gate. There is no clarity on what works are required or why and whether they will be within the scheduled area.
 - The Trinity Burial Ground. We do not consider that the proposed archaeological and post-excavation strategy is consistent with nationally agreed good practice on the treatment of human remains from Christian burial grounds.
 - Non-designated but nationally important archaeological deposits. The supporting documentation outlining the proposed archaeological mitigation strategy is confused, lacking in detail and contradictory.

- The criteria for assessment. Whilst we understand that the approach is the standard approach used by Highways England, we consider that it is inappropriate for the assessment of heritage assets.

9.2 HBMCE considers the following to be the impact of the scheme on heritage assets, although it needs to be reiterated that the lack of information in the supporting documentation concerning impact, scope of the Scheme with regard to listed buildings and archaeological strategy means that we cannot make a considered assessment of the impact of the Scheme on the significance of heritage assets:

- (a) The Scheme will result in substantial harm to the Grade II Listed Earl de Grey Public House.
- (b) The Scheme has the potential to cause less than substantial harm to the Grade II Listed Castle Buildings, the Old Town Conservation Area and the Grade I Listed King William III Statue.
- (c) The scheme will result in an unknown level of harm to the Scheduled Beverley Gate, but the impact (currently unspecified) could give rise to substantial harm.
- (d) The scheme will result in harm to the non-designated but nationally important human archaeological remains at the Trinity Burial Ground.
- (e) The scheme will result in substantial harm to non-designated but nationally important archaeological deposits and remains through the lack of clarity around the archaeological mitigation strategy.

9.3 These concerns are detailed in our written representations and together with the other issues highlighted, are matters which HMBCE considers are important to enable the extent of impact of the Scheme on the significance of the designated and non-designate but nationally important heritage assets to be fully taken into account by the Examining Authority in its final assessment of the Scheme.

9.4. The scheme has the potential to provide public benefits through the provision of landscape and public realm improvements at the interface of the development corridor with the Old Town Conservation Area and the setting of the Grade I Listed William III Statue and the Grade II Listed Castle Buildings, but there is a lack of detail in the supporting documentation to

demonstrate the extent to which this is a public benefit which can be realised and delivered.

- 9.4. Also important, with regards to the design proposals to mitigate the impact of the Scheme on the significance of the designated heritage assets, will be securing a long term management plan (such as might be applied to any landscaping improvements) at the interface between the A63 and junctions with the Old Town conservation area. HBMCE is therefore keen to gain a better understanding of long term management proposals, and that these will be properly secured within the DCO.
- 9.5. HBMCE is keen to discuss those matters yet to be agreed as part of a positive, constructive dialogue with the Applicant, in the interests of identifying solutions to the range of outstanding issues identified in this Written Representation concerning the avoidance and minimisation of harm to the historic environment that arises under the Scheme.
- 9.6. This section concludes the Written Representation of HBMCE.

Appendices

Appendix A: List descriptions of designated heritage assets.

- Appendix A1: Earl de Grey Public House
- Appendix A2: Castle Buildings
- Appendix A3: Statue of King William III and flanking lamps
- Appendix A4: Beverley Gate and adjacent archaeological remains forming part of Hull's medieval and post-medieval defences

Appendix B: Letter, Historic England to Highways England, 10th February 2017

Appendix C: Photograph of the Earl de Grey Public House

Appendix D: Photograph of Castle Buildings

Appendix E: Photograph of Beverley Gate

