

Planning Act 2008 (as amended) – Section 55

**Application by Highways England for an Order Granting Development
Consent for the A63 Castle Street Improvement Scheme**

PINS Reference TR010016

SUMMARY of WRITTEN REPRESENTATION OF EPIC (NO.2) LIMITED

KINGSTON RETAIL PARK

Deadline 1: Dated 23 April 2019

Interested Party Unique Reference Number: 20018241

1. INTRODUCTION AND OBJECTION

- 1.1 EPIC (No.2) Limited (“**EPIC**”) own and control the freehold interest of Kingston Retail Park under title number HS287149 (“**Kingston Retail Park**”). EPIC is the landlord to numerous tenants on Kingston Retail Park. Kingston Retail Park is a key retailing destination that supports hundreds of jobs in the local community.
- 1.2 EPIC object to the proposed A63 (Castle Street Improvement, Hull) Development Consent Order (“**proposed Order**”). EPIC have no objection to the principle of the proposed Order or the provision of A63 (Castle Street) Improvement Works (the “**Scheme**”) but object to compulsory acquisition of its land (both temporary and permanent) and the relevant works adjacent to the Kingston Retail Park. EPIC have raised its concerns with Highways England and would be willing to withdraw its objection in the event an appropriate agreement was entered into between EPIC and Highways England that satisfactorily addressed the concerns of EPIC.

2. IMPACT ON KINGSTON RETAIL PARK AND THE CONSEQUENCES OF THEM

- 2.1 EPIC has commissioned a report from Pell Frischmann to identify the likely impacts of the Scheme as currently proposed. This is attached at Appendix B to the Written representation. EPIC considers that the powers sought by Highways England are excessive and disproportionate. On the assumption that Highways England will utilise the powers sought to the fullest extent, the Scheme, as currently proposed and without any mitigation being secured, is considered to have the following impacts:
- 2.1.1 **Service Yard** – the proposed solution for service vehicles to access the western service yard does not allow a realistic route option for HGV traffic. Under Option A, unless amendments are made to the Streets, Rights of Way and Access Plans there will be a permanent loss of access to the western service yard from the highway;
- 2.1.2 **Loss of Car Parking Spaces** - The loss of car parking spaces permanently and the loss of between 50 to 175 car parking spaces during the construction period and in particular, Highways England could stop parking and access to the units of Mothercare and Carphone Warehouse;
- 2.1.3 **Vehicular Access routes during construction:** No assessment of the alternative routes that would be taken by vehicles during construction. There is the potential for junction capacity issues to be created that would impact on service vehicles and customers trying to access the retail park;
- 2.1.4 **Signage** - No clarity has been provided on signage strategy to ensure vehicular traffic understands the alternative routes to access the retail park and to ensure that eastbound A63 traffic is diverted via the Daltry Street / Madeley Street / Rawling Way / Hessle Road Roundabout;
- 2.1.5 **Pedestrian Routes** – no pedestrian routes into the retail park from Mytongate Roundabout have been provided during construction works and no evidence that the existing routes will be reinstated on completion of highway works;

- 2.1.6 **Pedestrian Access** - Pedestrian crossings over Mytongate Junction are to be removed during construction with the shortest diversion greater than 1km. There is a loss of a realistic pedestrian access from the city centre during construction;
 - 2.1.7 **Totem Poles** – the location and agreement to move Totem Poles during construction works and on completion of the highway works have not been confirmed;
 - 2.1.8 **Hoarding** - the construction hoarding impedes visibility of the retail park with no confirmed solution offered by Highways England during the construction period;
- 2.2 Details of the impacts are set out in detail in the report of Pell Frischmann at Appendix B of the Written Representation. The consequent effects on Kingston Retail Park is unacceptable, both on the business of EPIC and their tenants, details of which are set out in paragraph 5.4 of the report of Pell Frischmann.
- 3. MANNER OF IMPLEMENTATION**
- 3.1 Highways England have not provided sufficient justification or evidence to demonstrate why all of EPIC’s land is required for the delivery of the scheme to which the proposed Order relates. Highways England are seeking powers that are excessive and disproportionate.
 - 3.2 It has not been demonstrated that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored nor has Highways England demonstrated that the proposed interference with the rights of EPIC is for a legitimate purpose, and that it is necessary and proportionate.
- 4. NEGOTIATION AND THE MITIGATION OF IMPACTS**
- 4.1 There have been a few meetings and a limited exchange of information between Highways England and EPIC in relation to the proposed Order. However, these meetings and exchange of information have not been sufficiently meaningful.
 - 4.2 The Pell Frischmann report sets out at paragraph 5.3 the type of mitigation that should be provided by Highways England to ensure that the identified impacts are capable of being mitigated. It is considered that the mitigation identified is best secured through a negotiated agreement since it identifies specific matters that effect Kingston Retail Park only.
 - 4.3 Should Highways England fail to agree a suitable negotiated agreement with EPIC in the near future, EPIC reserves the right to make further representations to the examining authority (both written and at the oral hearings), to request the removal and amendment of EPIC’s land sought to be acquired and the associated work areas and requesting the revision of the proposed Order in order to secure necessary mitigation