

APPENDIX A - Title Plan HS287149

WRITTEN REPRESENTATION OF EPIC (NO.2) LIMITED

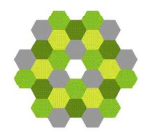
KINGSTON RETAIL PARK

Deadline 1: Dated 23 April 2019

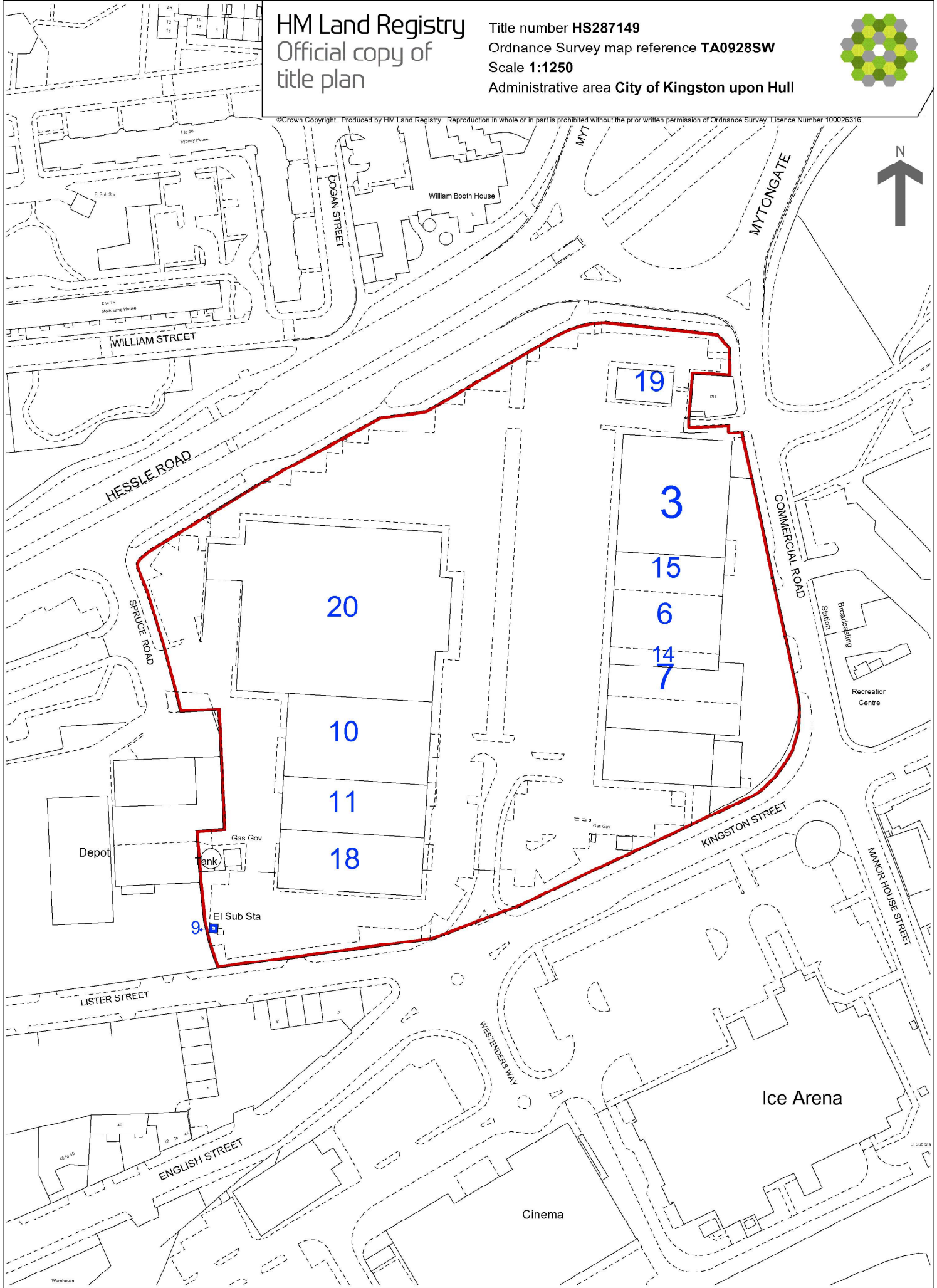
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APPENDIX B - Report of Pell Frischmann

WRITTEN REPRESENTATION OF EPIC (NO.2) LIMITED

KINGSTON RETAIL PARK

Deadline 1: Dated 23 April 2019

Interested Party Unique Reference Number: 20018241

Kingston Retail Park, Hull
Transport and Highway Representation against the
A63 Castle Street Improvement DCO Application

Pell Frischmann

EPIC (no. 2) Limited

Kingston Retail Park, Hull

Transport and Highway Representation against the A63 Castle
Street Improvement DCO Application

102727

April 2019

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Appendices

Appendix A	EPIC December 2018 Objection
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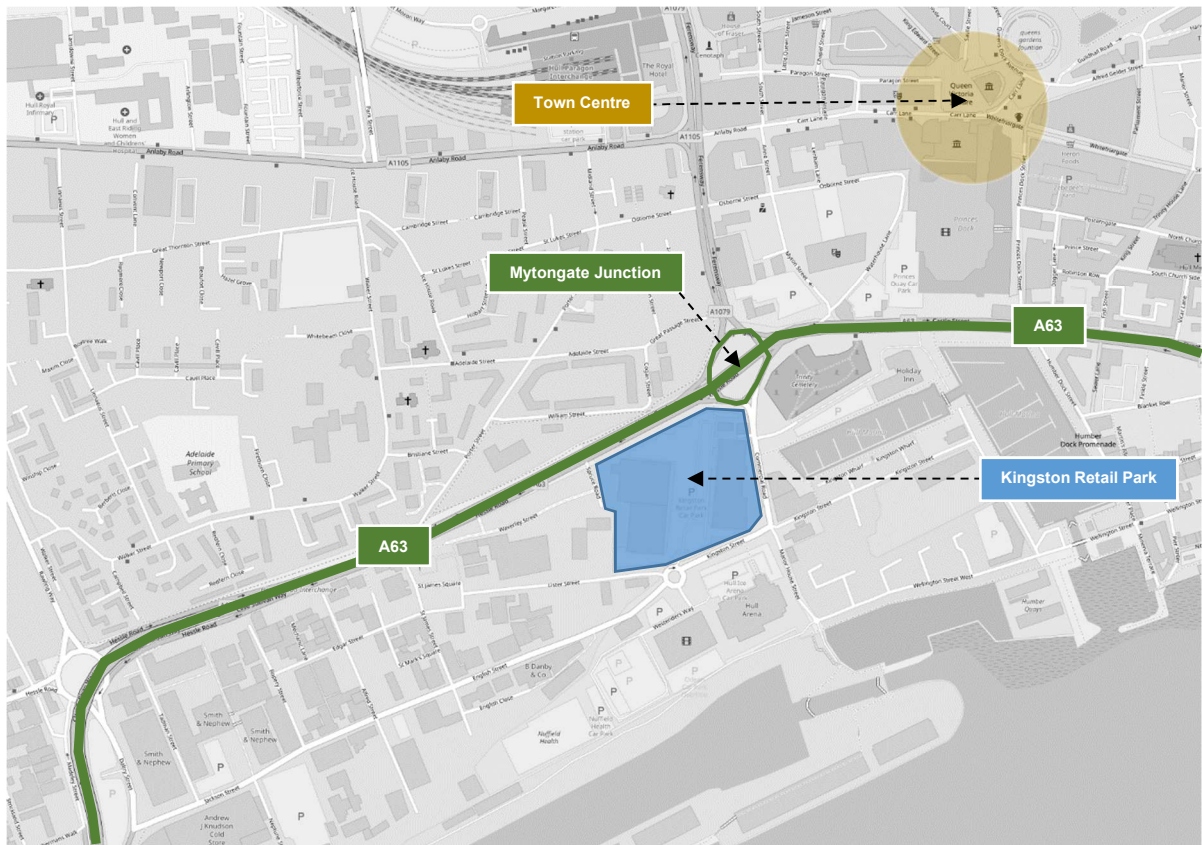
1 Introduction

- 1.1 Pell Frischmann has been commissioned by EPIC (No. 2) Limited (EPIC) to undertake a review of the highways and transport related implications for the Kingston Retail Park as a consequence of the Development Consent Order application that Highways England has applied for in relation to the A63 Castle Street Improvement, Hull.

Site Context

- 1.2 The retail park is located to the south of the A63 in Hull. Access to the retail park is via the Mytongate Junction which is an at grade junction providing access to Hull Town Centre to the north and Kingston Retail Park to the south. The location of Kingston Retail Park is identified in **Figure 1.1**.

Figure 1.1 Site Location Plan



Source: © OpenStreetMap contributors with Pell Frischmann annotations

Highways England Proposals for the A63 Castle Street Improvement

- 1.3 The scheme proposal is identified by Highways England as *'improvement works to approximately 1.5km of the A63 Hessle Road and Castle Street and connecting side roads between Roper Street and the Market Place and Queen Street Junctions.'*¹
- 1.4 A significant element of the works relates to the Mytongate Junction with the works as described in the Environmental Statement that accompanies the DCO application as follows;

¹ As referenced in the Highways England, A63 Castle Street Improvement, Hull, 6.1 Environmental Statement

'From Spruce Road, the A63 would gradually lower so that it would be approximately 7m below the existing level at the location of the current Mytongate Junction. When it is lowered, the A63 would be in a cutting, with the ground material excavated to leave an open trench for the underpass. Retaining walls would be built to support the sides of the cutting. East of Mytongate Junction, the A63 level would gradually rise from being in cutting to be at existing ground level in the vicinity of the Earl de Grey public house. Ferensway and Commercial Road would be raised by approximately 0.5m and cross over the A63 on a new bridge to make Mytongate Junction a grade separated (split level) junction. This arrangement would allow traffic on the A63 to pass freely through the junction, that is the eastbound carriageway between Ropery Street and Dagger Lane, and the westbound carriageway between Myton Bridge and Ropery Street, would maintain two lanes of traffic as existing. On the eastbound carriageway between Dagger Lane and Market Place an additional lane would be added for local traffic between Mytongate and Market Place.'

Position of EPIC

- 1.5 EPIC has previously submitted a representation against the DCO application, copy supplied at **Appendix A**, highlighting their concerns and expectations with regards the scheme and matters that need to be mitigated. This was submitted in December 2018 since when, it is understood that, there has been limited acknowledgment from Highways England of the concerns expressed. Furthermore, no acceptable solution has been offered to address the issues that will be created by both the construction works and the completed scheme.
- 1.6 EPIC is open to discussing and working with Highways England to address their concerns. This document clarifies the concerns raised in the representation of December 2018 and the implications for the operation, and consequently the commercial viability of the retail park if not suitably mitigated.

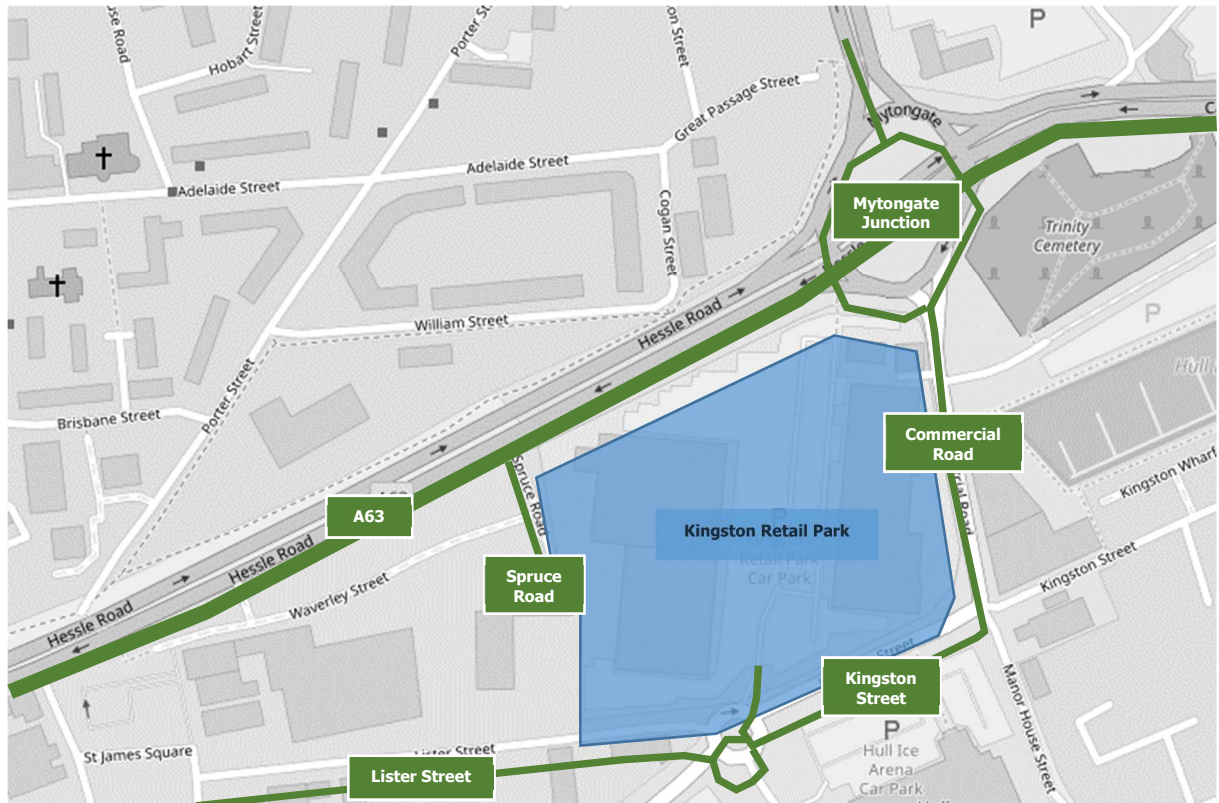
The Report

- 1.7 This report provides a review of the key access and onsite highways issues that arise at the Kingston Retail Park as a consequence of Highways England delivering the proposed A63 improvement works as per the current proposal. It highlights the issues as determined through a desktop review and site visit undertaken on the 15th April 2019.
- 1.8 The remainder of the report is set out as follows:
 - **Section 2** summarises the site context including location in relation to the town centre, the A63 and the key works proposed by Highways England.
 - **Section 3** outlines the impact of the works upon access to the retail park and draws out the fundamental access concerns that if left unchanged have potential to impact upon the ability for EPIC to maintain existing tenants and / or attract new tenants.
 - **Section 4** explains the onsite issues that are affected by the A63 highway works and again how if not adequately mitigated have potential to impact upon the ability for EPIC to maintain existing tenants and / or attract new tenants.
 - **Section 5** summarises the mitigation and further work required by Highways England to ensure the retail park can satisfactorily operate during and after construction. A summary of the implications to the retail park of Highways England failing to do this is also included.
 - **Section 6** provides a conclusion to the report and summarises the issues that need to be mitigated by Highways England in order that EPIC will be able to remove their objection.

2 Site Context

- 2.1 The following section provides a summary of the site, the local highway network, location in relation to Hull Town Centre and the A63 works adjacent to the Kingston Retail Park with **Figure 2.1** confirming the immediate highway context of the Park.

Figure 2.1 Local Highway Network



Source: © OpenStreetMap contributors with Pell Frischmann annotations

Site Summary

- 2.2 Kingston Retail Park is located on Kingston Street and sits to the south of the A63 approximately 700m from Hull Town Centre. The Mytongate Junction is located to the north east corner of the site. The junction is a 4 arm at grade roundabout. The A63 provides the eastern and western arms of the junction and is dualled. Ferensway provides the northern arm from which the town centre can be accessed. The southern arm is Commercial Road. Signalised pedestrian crossings are in place across the A63 on either side of the roundabout with uncontrolled pedestrian crossings provided over Ferensway and Commercial Road.
- 2.3 The retail park is occupied by a range of household retail names including Boots, B&M and Costa. On site car parking provides visitors with direct access to the on-site units.
- 2.4 Vehicular access for customers is via a five arm mini roundabout with the northern access the entrance / exit to the retail park. Access from the A63 is via the Mytongate Junction with vehicles accessing the site by travelling along Commercial Road and Kingston Street.
- 2.5 Pedestrian access to the north is via three points along the north eastern boundary. With two routes provided onto the A63 and one onto Commercial Road. The routes onto the A63 provide a direct connection to the controlled pedestrian crossings over the Mytongate Junction which run along the

pedestrian desire line for providing access to Hull Town Centre. The pedestrian access adjacent to the Mytongate pedestrian crossing is identified in **Figure 2.2**.

Figure 2.2 Retail Park Pedestrian Access



- 2.6 Service access is focused on two points, an eastern service yard with access from Commercial Road and a western service yard to the south of the A63 and accessed from Spruce Way. Both service yards are designed to accommodate articulated HGVs with most current tenants receiving deliveries by these vehicles.

Proposed A63 Works

- 2.7 Adjacent to the retail park the focus of the works is in relation to Mytongate Junction. This consists of dropping the A63 into an underpass such that slip roads will be introduced and a grade separated junction provided.
- 2.8 As part of the works new controlled pedestrian crossing arrangements will be introduced at Mytongate with the informal pedestrian crossing over the A63, approximately 55m east of the Mytongate junction removed. The vehicular access for customers and the eastern service yard is unchanged however, under Option A (which it is understood to be the preferred and more likely option), the western service yard will see access from the A63, via Spruce Road, removed, and replaced by a new access from Lister Street.

3 Works Impact on Retail Park Access

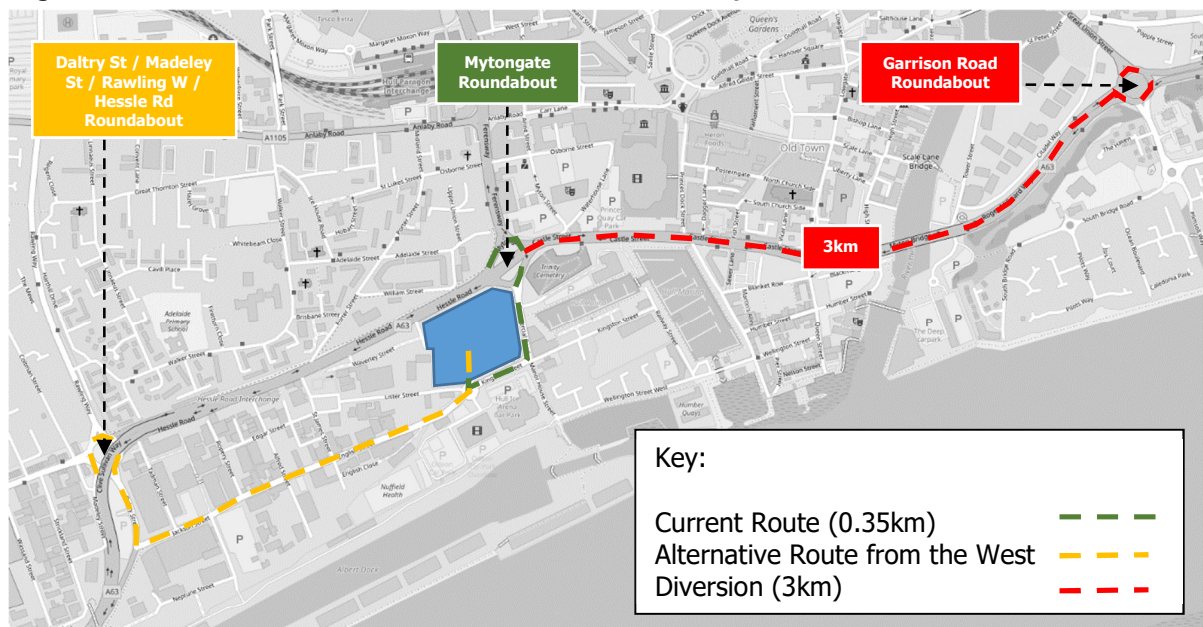
3.1 This chapter provides explanation as to the key retail park access issues that will occur as a consequence of the A63 construction works and scheme completion, should the proposals remain unchanged. These are matters that need to be adequately mitigated to avoid a detrimental impact upon the operation and commercial viability of the retail park.

Routing Signage

3.2 The highway works will substantially impact upon staff and customers being able to access the site by car. The extensive works to the Mytongate Junction will impact on both the park's visibility and accessibility. The works will result in substantial delay to vehicles entering and exiting the park either through a need to wait within the accompanying traffic management associated with the A63 works or the need to find alternative routes.

3.3 The primary alternative route from the A63 is via the Daltry Steet / Madeley Street / Rawling Way / Hessle Road Roundabout. However, there is no signage from this junction for the park with no clear visibility of its location to staff and customers using this junction. Were customers to miss this turning they will proceed eastwards, be required to continue ahead at the Mytongate junction, where right turns are to be banned, and continue on to the A63 / Great Union Street / Great Plimsoll Way Roundabout (Garrison Road Roundabout). Here they will need to undertake a u-turn before returning to the Mytongate Junction and turning left onto Commercial Road. This will increase journeys through the Mytongate Junction at a time the works are continuing. Overall the additional journey is approximately 3km, an excessive distance when ease of travel is essential to maintaining retail attractiveness. **Figure 3.1** highlights the additional route.

Figure 3.1 Diversion Routes with Excessive 3km Requirement



3.4 To mitigate the impact of works clear and sufficient routing signage is essential for eastbound traffic on the A63 to the retail park. The type, number, and location of signage needs to be confirmed and agreed with EPIC.

Junction Capacity

- 3.5 Given the delay to be incurred by staff and customers were they to continue to use the Mytongate Junction during the works it is evident that the vast proportion will seek alternative routes with access via the Daltry Street / Madeley Street, Rawling Way / Hessle Road roundabout the likely alternative.
- 3.6 This has potential to put pressure on junctions along the route with the priority junction of Daltry Street and Jackson Street particularly relevant. The increase to right turning traffic volumes, from Jackson Street, will lead to delay and frustration for drivers attempting to re-join the A63 which, were it to occur, would have a negative impact on the retail park's trade and potentially lead to an increase in road accidents. This is exacerbated by the length of the construction works which consequently undermines the ability for the park to retain customers and in turn impacts on the ability of our occupiers to maintain trading.
- 3.7 To date no evidence appears to be available that identifies Highways England has undertaken a review of the likely redistribution of traffic on the local road routes between the retail park and the Daltry Street / Madeley Street, Rawling Way / Hessle Road roundabout nor is there evidence of how this impact on journey times and junction capacity operation will be mitigated. Without this information it is not possible to make an informed conclusion on the impact of the A63 works or indeed whether the reassignment of traffic that will arise is adequately mitigated.
- 3.8 Alongside a clear and substantial signage strategy a full route review is required so that the designated route provides the same level of journey time for accessing the retail park as is currently the case, or, if not, how this may be mitigated so as to enable an ease of movement for staff and customers.

Pedestrian Access

- 3.9 Pedestrian access to / from the retail park is focused on the north east corner of the site with three pedestrian access points provided. Two are provided onto the A63, one directly adjacent to the pedestrian crossing onto Mytongate Junction, and the third onto Commercial Road.
- 3.10 During the construction works it will be essential to maintain direct pedestrian access via the desire line for pedestrians linking trips between the town centre and retail park. This means ensuring pedestrian routes are both provided and signed through the hoarding line and a pedestrian route through the Mytongate Junction.
- 3.11 A route through Mytongate Junction is essential to minimising the impact of lost trade due to the works. The pedestrian routes Highways England has identified in their construction mitigation strategy requires pedestrians to use one of either a temporary crossing at Porter Street or the existing crossing of the A63 at Humber Dock Street, to be replaced by a new bridge in later phases. These routes significantly divert staff and customers from the key desire line with an increased walking distance of 450m from the Retail Park to Porter Street and 550m to the crossing at Humber Dock Street. Neither of these figures allow for the further distance on the north side of the A63 to return to Ferensway, the shortest distance being to the Ferensway / Osborne Street crossroads, a total of more than 1km. This length of diversion could take around 12 mins for a pedestrian to walk and is considered an unrealistic alternative.
- 3.12 The works plans also identify that the works limits will extend beyond the CPO boundary although the timing of this is unknown. This will mean that not only will the two pedestrian accesses onto Mytongate Roundabout be unavailable but also the one onto Commercial Road. This means pedestrians will need to enter and exit the retail park via the access onto Kingston Street thus increasing the pedestrian diversion by a further 300m.
- 3.13 The diversions expected of our staff and customers are wholly inappropriate and clearly not fully thought through given the extra distance and time this will take. In light of this as such a new and more

realistic solution needs to be integrated into the traffic management strategy that facilitates temporary access on the existing desire line.

- 3.14 Irrespective of the final pedestrian route options it will be essential that full signage of the routes along the retail park to town centre desire line is provided.
- 3.15 On completion of the works it will also be necessary to ensure that the existing pedestrian access points are re-provided as part of a new boundary line such that the desire line and distance is unchanged compared to the existing arrangement. This appears possible based on the proposed 0.5m level change identified for Commercial Road, on approach to the Mytongate Junction, but this needs to be confirmed by Highways England and any land requirements to provide accessible access points (given the change in levels) need to be identified.

Servicing

- 3.16 With regards service access at the site itself this is focused on two points, an eastern service yard adjacent to Commercial Road and a western service yard to the south of the A63 and accessed from Spruce Way.
- 3.17 It is understood that access to the western service yard, via Spruce Road, may be restricted during the construction of the works. Unimpeded access is required to both the eastern and western service yards at all times during the works and as such it is essential that a confirmed solution is provided that demonstrates how unimpeded access will be maintained.
- 3.18 In addition to ensuring the point of access to the service yard is maintained it is essential that an unimpeded route is provided during provision of a temporary or permanent service yard access from Lister Street.
- 3.19 The phasing of highway works identifies for the Mytongate Gyratory that right turn movements will be banned for a substantial period during construction. As with vehicular access for staff and customers this will require service vehicles, that include articulated HGVs, to use an alternative route. We can see no evidence of a comprehensive route review by Highways England. The only alternative route appears reliant on vehicles using the Daltry Street / Madeley Street / Rawling Way / Hessle Road roundabout. However, this overlooks a significant access issue for large vehicles.
- 3.20 Accessing the site from Daltry Street / Madeley Street / Rawling Way / Hessle Road roundabout would require vehicles to turn left at the Kingston Retail Park / English Street / Lister Street mini roundabout however this is a turn that is unlikely to be made by a large vehicle. Clearly Highways England has not given due consideration to service access for the retail park. The photo provided **at Figure 3.3** shows the turn in question. The photo is the view from Kingston Street looking toward English Street on the left and Lister Street on the right.
- 3.21 Post construction it appears that the proposed stopping up and highway adoption proposals for Spruce Road, adjacent to the retail parks western service yard, will leave a small section of carriageway which is neither highway or adopted. This appears to be an error but without amendment this will stop lawful access to the western service yard. Both during the works and post completion the retail park must have the ability to service the site as per existing arrangements and without obstruction or restriction. Consequently, both the access proposals and the legal process that will allow any change must be reviewed and agreed with EPIC so as to ensure access is maintained to their satisfaction.

Figure 3.2 Retail Park Access Roundabout – View Toward English St and Lister Street



- 3.22 The only alternative route, as with that previously identified for staff and customers, relies on service vehicles to proceed east through the works at the Mytongate junction to u-turn at the Garrison Road Roundabout 1.5km from the Mytongate junction and an extra journey distance of 3km. **Figure 3.1** illustrates this route.
- 3.23 The focus of deliveries for all tenants is through the use of articulated HGVs. Requiring articulated HGVs to travel past the destination to complete a u-turn at Garrison Road Roundabout is neither acceptable to the site operator and tenants nor is it appropriate when considering the safety of all road users.
- 3.24 Consequently, a suitable servicing strategy during the works needs to be identified and agreed with EPIC.

4 Onsite Issues

- 4.1 This chapter provides explanation as to the key onsite issues that will occur as a consequence of the A63 construction works and scheme completion. These are matters that need to be addressed to avoid a detrimental impact upon operation and commercial viability of the retail park if not suitably mitigated.

Loss of Car Parking

- 4.2 The new northern boundary line of the retail park, as a consequence of the proposed CPO, will see a loss of approximately 50 parking spaces. To date no evidence has been provided as to how this loss may be adequately offset.
- 4.3 During the construction works it is identified that the Highways England works area extends beyond the boundary of the land to be acquired on a permanent basis and specifies a large areas for temporary possession. This means Highways England encroach further into the retail park with a further loss of a significant volume of parking space, approximately 175. The loss of any parking is not acceptable and it should be noted that EPIC are required to provide a minimum number of car parking spaces on the park to meet retailer requirements. To remove 175 spaces is not realistic nor is it acceptable.
- 4.4 It is acknowledged that Highways England provided a proposal to provide a revised car park layout at the retail park on 18th April 2019 at 18.40. The last minute provision of this provided no time to give the plans full consideration however it is noted that the proposed Highways England solution results in the loss of 19 car parking spaces. Irrespective of the suitability or otherwise of the amended layout of the car park the loss of 19 spaces is not acceptable to the effective operation of the retail park.

Impact on Occupiers

- 4.5 During the construction works it is identified that the Highways England works area extends to occupy entirely the land on which the Carphone Warehouse unit is sited and the edge of the Mothercare unit.
- 4.6 This in effect reduces the lettable retail area and as such impacts on the number of traders that can occupy the site, and therefore the ability to both retain existing traders and attract new. This is not acceptable and requires Highway England to reconsider the works boundary and agree where this is placed with EPIC.

Totem Poles

During Construction

- 4.7 Two advertising totem poles are located within the retail park adjacent to the A63. They are within the defined area for the proposed CPO works. These are an essential element of the retail park providing legibility of the retail park to passing traffic. These must be re-provided within the site during the works to highlight the park is open for business. It is also essential that the lowest tenant panel on the totem pole is visible above the top line of the site hoarding that is to be installed during the works to the A63.
- 4.8 The temporary and permanent location of the totem poles during the construction works and following completion needs to be agreed with EPIC with the following matters to be agreed:
- the period when these will be relocated;
 - confirmation the relocation will be arranged by Highways England to a location agreed with EPIC; and
 - confirmation that all costs associated with the relocation will be met by Highways England.

Construction Hoarding

Signage Rights

- 4.9 The introduction of a hoarding line during the works along the retail park boundary will significantly reduce the visibility and accessibility of the park. To minimise the impact on the park's trade it is essential that full signage rights along the length of the hoarding adjacent to the park are provided to EPIC. This needs to be in place during the duration of the works.
- 4.10 The signage rights are to include allowance to display the logos of our tenants and Kingston Retail Park given that during the period of the works tenant advertising will be less visible from the A63 than is currently the case.

Hoarding Design

- 4.11 The design of the signage along the hoarding should be agreed by EPIC before installation and the full cost met by Highways England. The external and internal facing design will need to differ. The external facing design (onto the A63) needs to, as identified under the previous heading, include tenant logos and reference to Kingston Retail Park.
- 4.12 The internal facing design needs to account for softening the appearance of the hoarding to staff and visitors. A living wall or similar is key to presenting a welcoming environment to staff and visitors.

5 EPIC Requirements

- 5.1 The technical work undertaken by Highways England has focused on the impact of the A63 Castle Street itself and insufficient work has been undertaken to ensure that the potential impacts on the Kingston Retail Park have been fully assessed and mitigated against. EPIC are looking to ensure that all of the impacts of the scheme are appropriately mitigated and it would be open to Highways England for the necessary rights to be acquired by negotiation.
- 5.2 Failure to do so has a significant consequence for the retail park. This section summarises both the mitigation requirements and implications to the retail park if Highways England do not invest in a more comprehensive construction solution

Mitigation Requirements

- 5.3 Mitigation should be discussed and agreed with EPIC and the costs met by Highways England. Once agreed it could be secured through a settlement/compromise agreement between EPIC and Highways England. Highways England have provided insufficient information to fully formulate what such an agreement should contain but based on the issues explained in the previous section, it should at the minimum contain:
1. **Service Yard Access:** Agreeing and defining the works for the service yard access, including detailed plans including swept path analysis confirming continuous access will be provided to the service yards and that this can be achieved via the full diversion routes.
 2. **Car Parking:** Agreeing and defining the works for the alterations to the car parking, including details of how car parking lost in both the temporary and permanent situation will be mitigated including provision of new car parking spaces, surfaces, drainage, hard and soft landscaping and lighting.
 3. **Junction and Link Capacity:** Detailed assessment of diversion routes along with link and junction capacity during construction. Confirmation to be provided of temporary link and capacity improvements where required e.g. suspension of on street parking, alterations to junctions and priority, plus on-going monitoring of queuing and delays during construction. Ultimately these details need to be agreed with EPIC to confirm how vehicular access will be maintained for staff, customers and servicing vehicles throughout the works.
 4. **Signage strategy:** Clear vehicular and pedestrian signage to direct customers to the retail park with confirmation of signage arrangements and signage location to be confirmed.
 5. **Pedestrian Routes:** Detailed plans showing how pedestrian routes into the retail park over Mytongate Junction will be maintained during construction. Ultimately these details need to be agreed with EPIC to confirm how pedestrian access will be maintained for staff and customers throughout the works.
 6. **Pedestrian Access:** Detailed plans showing how pedestrian access into the retail park will be maintained in the permanent scheme. Ultimately these details need to be agreed with EPIC to confirm how pedestrian access will be maintained for staff and customers after the works.
 7. **Totem Poles:** Identification of new positions of the two relocated Totem Poles during construction and in permanent situation.
 8. **Construction Hoarding:** Detailed plans showing location and height of hoarding. Defining and agreeing advertising signage (including tenant names) to be provided to increase visibility of the retail park during construction. Confirmation of the internal treatment to soften the appearance of the hoarding to customers.
 9. **Construction Phasing:** A detailed construction phasing plan for works specific to the retail park including agreeing periods for works and periods for when no works are to occur.

10. **Construction Management Plan:** A management plan to be produced to include details of a suitable process for providing EPIC notice of relevant works; Parking and movement of constructor vehicles; Restrictions on noise, dust, vibration and working hours; health, safety and security requirements.
11. **Land Requirements:** Agreement as to the extent of the land required for temporary possession and permanent land take
12. **Confirmation of Highways England Responsibility:** Highways England to meet all costs for the above mitigation works.

Implications if Mitigation Requirements are not Met

5.4 The summary below explains the implications to the continued operation of the retail park if the issues identified in this report are not adequately mitigated.

1. **Service Yard Access:** Any obstruction to the servicing of the retail park will impact on the retailers ability to keep shelves full, customers will lose faith as to what can be purchased from units and consequently will no longer shop at the park. If units using the western facing service yard cannot be accessed then they will not be able to trade and consequently will cease operating.
2. **Car Parking:** Car parking is key for out of town convenience retail parks and so any reduction in number would lessen the desirability of the park to customers. If customers cannot park they will not shop. The existing car parking ratio is 1 customer space for every 245 sq ft of retail provision (1:245). Market acknowledged ratios for this type of convenience led retail parks is between 1:200 and 1:250. Reducing the car parking by up to (i) 50 spaces during the working would provide a ratio of 1:270; and (ii) 170 spaces during the working would provide a ratio of 1:369. Both these revised ratios are out with market acknowledged levels. Clearly any permanent loss would have the same impact due to the fact the existing ratio lies at 1:245. There are also clauses in several leases providing for minimum numbers of car parking spaces. These restrictions could be breached as a result of the works.
3. **Junction and Link Capacity:** If the customers journey is delayed they are unlikely to return for further visits. Given the extensive period the works will be in place this will result in a lack of trade, meaning retailers will not make targets and will vacate at the earliest opportunity. The retail park will therefore cease. If servicing is negatively impacted, the consequence will be that the re-provision of stock will be interrupted and retailers will stop shopping at the shop due to uncertainty of knowing whether stock will be in place or not.
4. **Signage strategy:** If the customers journey is delayed and if they are unable to find their way they are unlikely to return for further visits. Given the extensive period the works will be in place this will result in a lack of trade, meaning retailers will not make targets and will vacate at the earliest opportunity. The retail park will therefore cease to trade.
5. **Pedestrian Routes and Access:** If the customers journey is lengthened as proposed they are either likely not to attempt the journey or they are unlikely to return for further visits. Given the extensive period the works will be in place this will result in a lack of trade, meaning retailers will not make targets and will vacate at the earliest opportunity. The retail park will therefore cease to trade.
6. **Totem Poles:** Totem poles are required at every retail park. If they are not positioned appropriately, passing trade that has not been to the property before may be unaware of its location. This is exacerbated by the proposed works given the extensive hoarding line that will obscure the retail park.
7. **Construction Hoarding:** The hoarding will obscure the retail park. People need to know there is a retail park behind the hoard otherwise they will not shop there.

8. **Construction Phasing.** Without this EPIC cannot have certainty as to how the interaction of the construction works and operations at the retail park will work and consequently has the potential to delay, restrict or full obstruct access to the park.
9. **Construction Management Plan:** Lack of clarity as to the construction process and management has the potential to conflict with retail park operations and consequently impact of the parks ability to trade.
10. **Land Requirements:** The loss of land either temporary and /or permanent impacts on parking provision and retail units each of which impact upon the parks ability to attract trade and consequently impact on its ability to maintain trading. The excessive land take, in particular in relation to temporary possession, will result in unnecessary impacts which can be avoided if a lesser amount is taken
11. **Confirmation of Highways England Responsibility:** Without confirmation that Highways England will fully mitigate and meet the costs of all works the retail park will be terminally affected.

6 Conclusion & Summary

- 6.1 Pell Frischmann has been commissioned by EPIC to undertake a review of the implications for the Kingston Retail Park as a consequence of the Development Consent Order application that Highways England have applied for in relation to the A63 Castle Street Improvement, Hull.
- 6.2 This report has been prepared to identify how the proposed Highways England A63 Castle Street improvement works will impact upon the ability for tenants to service the site, customers and staff to access the site and how the requirements of the CPO and associated construction limits will impact on site accessibility, visibility and parking provision.
- 6.3 In light of the review within this report the following provides a summary of the issues, and consequently the matters against which an action plan and mitigation strategy needs to be prepared by and agreed with Highways England. This will allow EPIC to fully consider the impact upon the operation of Kingston Retail Park and the potential impact upon the ability for the retail park and its operators to trade. The issues are;
- Proposed solution for service vehicles to access the western service yard does not allow a realistic route option for HGV traffic and unless amended, the current proposals under Option A stop access to the western service yard from the highway;
 - Loss of car parking, which amounts to between 50 and 175 spaces depending on the phase of the works, without adequate mitigation proposed and in particular could stop parking and access to the units of Mothercare and Carphone Warehouse;
 - 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;
 - 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;
 - 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;
 - Pedestrian crossings over Mytongate Junction are to be removed during construction with the shortest diversion greater than 1km. Consequently, there is a loss of realistic pedestrian access from the city centre during construction;
 - Location and agreement to move Totem Poles during construction works and on completion of the highway works have not been confirmed;
 - Construction hoarding impedes visibility of the retail park with no confirmed solution offered by Highways England; and
 - No confirmation from Highways England that they will mitigate against these issues and meet the costs to address all identified issues.
- 6.4 EPIC would welcome engagement with Highways England in order that a position of agreement can be reached which adequately resolves the concerns set down in this report and which mitigate the impact of the A63 Castle Street improvements on the operation and commercial viability of the retail park.

Kingston Retail Park, Hull
Transport and Highway Representation against the
A63 Castle Street Improvement DCO Application

Pell Frischmann

Appendix A

EPIC DECEMBER 2018 OBJECTION

The Planning Inspectorate
Major Applications & Plans
Temple Quay House
Temple Quay
Bristol
BS1 6PN

19 December 2018

Dear Sirs

A63 (CASTLE STREET) IMPROVEMENT, HULL

PINS Reference Number TR010016

SECTION 56 PLANNING ACT 2008: 20 December 2018 Representations

Plot References: (Permanent) 3/5a, 3/5d, 3/5h, 3/5i (Temporary) 3/5b, 3/5c, 3/5e, 3/5f, 3/5g, 3/5j, 3/5k (Sub Soil) 3/1c, 3/1aj, 3/1ak, 3/1bb, 3/1bc, 3/1ck

EPIC (No.2) Limited ('EPIC') own and control land at Kingston Retail Park (the 'Property'), adjacent to the A63. Kingston Retail Park is a key retailing destination that supports hundreds of jobs in the local community.

EPIC does not object to the principle of the proposed A63 (Castle Street) Improvement Works (the 'Scheme'). However, EPIC objects to the compulsory acquisition of its land (both temporary and permanent) and the relevant works adjacent to the property on the grounds it is unnecessary, the manner of implementation has not been sufficiently developed and the impact on the business of EPIC and their tenants is unacceptable. In addition, there have been inadequate attempts to acquire interests by agreement. It is therefore considered at present that there is not a compelling case for the compulsory acquisition of the EPIC's land.

Necessity of Works

There has been a lack of justification of the reasons why our Property is to be impacted in the way is outlined in the proposals, and what alternatives have been considered and/or already discounted. Until justification is provided it is difficult to ascertain whether there are suitable alternatives to compulsory acquisition, whether the land is actually needed or whether a lesser area could be acquired to achieve the same effect.

Manner of Implementation

It is evident from the information available and that has been provided to EPIC that insufficient thought has been given to the manner of implementation of the Scheme, in particular to the plots where temporary acquisition is sought. Clarification is sought on the manner and timings of the implementation of the Scheme during the construction period and consideration is given to how any impact is minimised or avoided. By way of example of issues of concern include (non-exclusive):

1. *Hoarding* – the height, design and duration to which the proposed hoarding will be present is a major concern. Any hoarding will block the primary line of sight for prospective customers to view the Retail Park, limiting drive-by trade. Little thought or ideas have been provided with respect to finding an appropriate solution to this. An example of this is that the most recent plan shows the proposed hoarding covering a tenant's fire exit.
2. *Pedestrian Access to Park* – the Property currently benefits from pedestrian access at the southern pavement side of the A63. During the works, and certainly whilst the hoarding is up, this access will cease. Because the nature of the retail offer at the Property is convenience led, the existing tenants rely on this pedestrian footfall, as well as vehicular access. We have seen no alternative plans that provide a similar level of pedestrian access to the front of the Retail Park.
3. *General Access to Park and Signage and Advertising* – during the estimated 5 year build period, access to the Property will be severely compromised. Although accepted that this is an inevitable consequence of the proposed Scheme, we do not consider this has been sufficiently addressed at the time of making this representation.
4. *Construction of Compound Area* – we understand that the preferred compound area will now be immediately behind the Property's west facing service yard and will require the reconfiguration of roads and subsequent levels of disruption, prior to the main works commencing. This service yard is fundamental to the running of the Retail Park, as it provides space for articulated lorries to deliver stock to units. Adequate assurances have not been provided to ensure that there will be no disruption to this area and that this area will not be compromised.

Impact on business is unacceptable

The temporary and permanent acquisition of a section of the Property will have a significant impact on the business of EPIC and their tenants. Insufficient thought has been given to how the impacts can be minimised or avoided and are currently considered to be excessive. Particular impacts of concern include:

1. *Impact on tenants* - The disruption caused by the works will impact the ability of EPIC to attract retail tenants due to the disrupted access and compromised visibility. Furthermore, given the length of the proposed works, the existing tenants will also be adversely affected for the same reasons.
2. *Car Park Reconfiguration* – by virtue of the proposed land acquisition, the Property will suffer a temporary loss and reconfiguration of car parking, followed by a permanent loss and reconfiguration of car parking. This will affect the Property's ability to attract and retain customers. Current proposals result in a poorly reconfigured car park and need to be altered in order to minimise the impact.
3. *Pedestrian Access from Hull City Centre* – although two new pedestrian bridges are proposed to be built, both are of significant distance from the Property and so will not replace the immediate pedestrian access the property currently enjoys. Insufficient details of the proposed shuttle bus have been provided, and in any event, will not adequately replace the loss of city centre pedestrian flow.

Inadequate Attempts to Consult or to Acquire Interests by Agreement

Highways England have undertaken a number of consultations with EPIC but insufficient attempts have been made to avoid or minimise the impacts on EPIC following information being provided by EPIC. There have been no meaningful attempts to acquire the land by agreement.

Other Matters

1. *Book of Reference* – Not all interests have been included in the Book of Reference in relation to the plots owned by EPIC. In particular “We Buy Any Car” have the benefit of a licence over the car park. Details will be provided directly to Highways England.
2. *Additional Information* - EPIC have received additional information in the last few days from Highways England. EPIC have not had the opportunity to review and understand the information in detail and we reserve the right to make further representations when this information has been reviewed appropriately.
3. *Full Written Representations* - EPIC intend to lodge full written representations in due course and request to make oral representations at the compulsory acquisition hearing or any other hearings which may be held.

Yours faithfully,

EPIC (NO2) LIMITED

Kingston Retail Park, Hull
Transport and Highway Representation against the
A63 Castle Street Improvement DCO Application

Pell Frischmann

APPENDIX C - Plan of tenants at Kingston Retail Park.

WRITTEN REPRESENTATION OF EPIC (NO.2) LIMITED

KINGSTON RETAIL PARK

Deadline 1: Dated 23 April 2019

Interested Party Unique Reference Number: 20018241

KINGSTON RETAIL PARK

ACCOMMODATION SCHEDULE

UNIT	OCCUPIER/STATUS	AREA SQFT
1A	HOME BARGAINS	17,933
1B	B&M STORES	24,225
2	OUTFIT	14,487
3A	BOOTS	9,215
3B	TO LET	10,271
4	MOTHERCARE	15,063
4A	MAMAS & PAPAS	4,693
4B	HOBBYCRAFT	7,563
5	COSTA	2,641
5A	SUE RYDER	5,196
5B/C	THE FOOD WAREHOUSE	13,672
6	UNDER OFFER	1,200
7	TO LET	1,600
8	CARPHONE WAREHOUSE	2,057



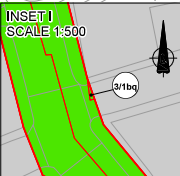
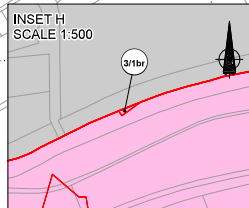
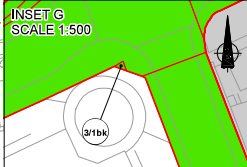
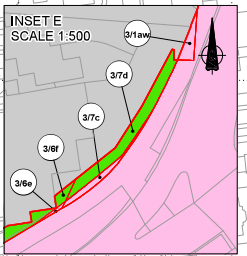
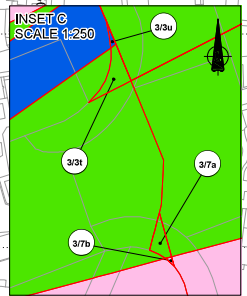
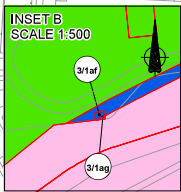
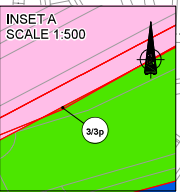
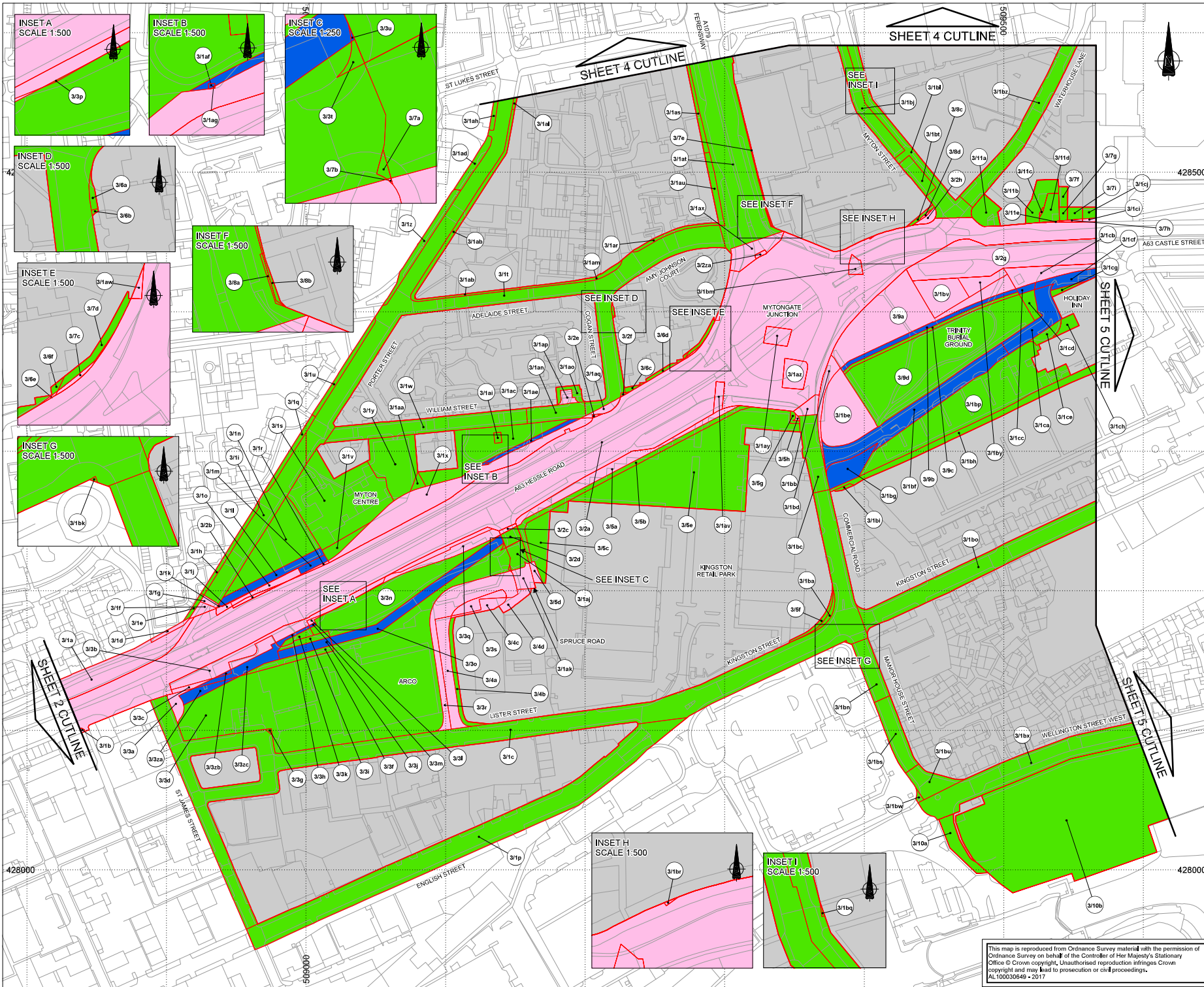
APPENDIX D - Extract of Land Plans.

WRITTEN REPRESENTATION OF EPIC (NO.2) LIMITED

KINGSTON RETAIL PARK

Deadline 1: Dated 23 April 2019

Interested Party Unique Reference Number: 20018241



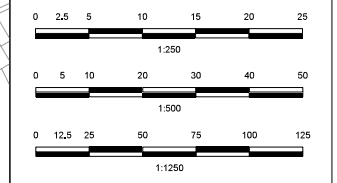
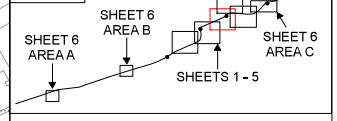
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3. ALL EASEMENTS, SERVITUDES AND PRIVATE RIGHTS ARE PROPOSED TO BE EXTINGUISHED ON LAND THAT IS TO BE ACQUIRED UNLESS STATED OTHERWISE IN THE BOOK OF REFERENCE.
4. TWO OPTIONS ARE TO BE INCLUDED FOR THE MATERIAL BATCHING COMPOUND. FOR FURTHER DETAILS ON THIS REFER TO THE INTRODUCTION OF THE APPLICATION (DOCUMENT REFERENCE TR010016/APP/1.1).
5. CONTAINS PUBLIC SECTOR INFORMATION LICENSED UNDER THE OPEN GOVERNMENT LICENSE V3.0

KEY

- ORDER LIMITS
- 3/1a PLOT REFERENCE NUMBER (REFER TO BOOK OF REFERENCE FOR FURTHER INFORMATION)
- AREAS NOT INCLUDED WITHIN THE ORDER LIMITS
- LAND TO BE ACQUIRED OR USED PERMANENTLY FOR CONSTRUCTION, OPERATION AND MAINTENANCE WORKS
- LAND TO BE USED TEMPORARILY AND RIGHTS TO BE ACQUIRED PERMANENTLY
- LAND TO BE OCCUPIED OR USED TEMPORARILY

KEY PLAN



0	20/09/18	APPLICATION ISSUE	JE	JDH	JFM
Rev	Date	Amendment Details	Orig	Chk'd	App'd

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Client **highways england**

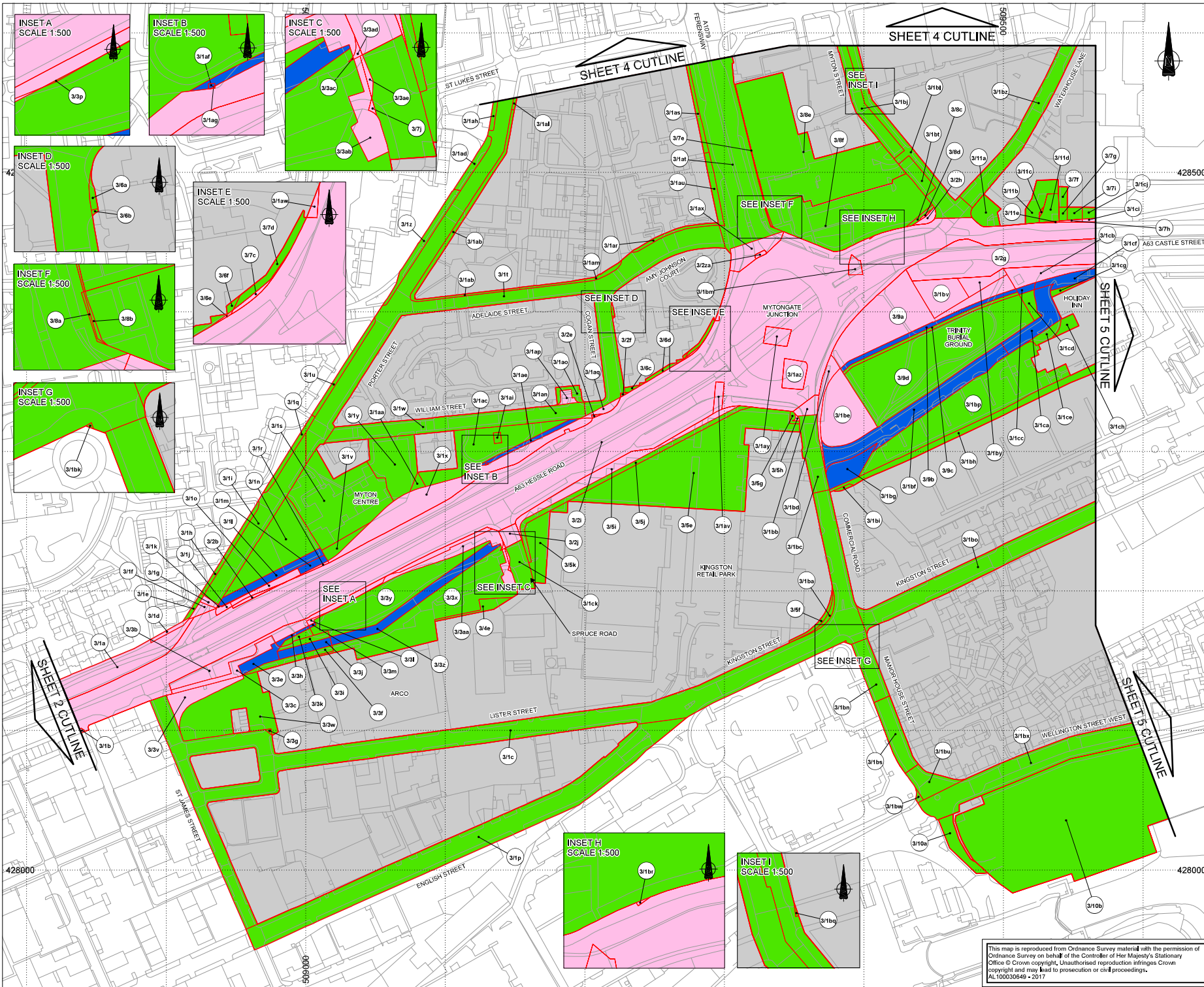
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Project Title **A63 (CASTLE STREET IMPROVEMENT, HULL)**

Drawing Title **LAND PLANS REGULATION 5(2)(i) OPTION A SHEET 3 OF 6**

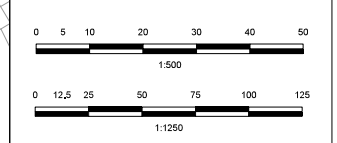
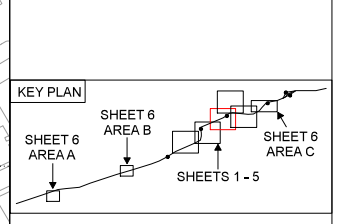
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Drawing Number	Revision			
TR010016/APP/2.3(DA)	0			

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