A63 Castle Street Improvements, Hull

Scheme Number: TR010016

7.5 Applicant's Comments on Relevant Representations

APFP Regulation 5(2)(h)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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Infrastructure Planning
Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

A63 (Castle Street Improvement, Hull) Development Consent Order 20[ ]

Applicant's Comments on Relevant Representations

Regulation Number:	Regulation 5(2)(h)
Planning Inspectorate Scheme Reference	TR010016
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Applicant's Comments on Relevant Representations

1.1 RR-001

PINS Ref. RR01	Relevant Representation from SCP on behalf of Andy Hayton	Response from Highways England (the Applicant)
1.01	My client is concerned about the impact of the scheme on his site at South Churchgate, the impact the scheme will have on local traffic movement especially servicing, on-street (inc Disabled persons) parking. It is possible that these issues can be mutually resolved but at present this is not shown to be the case. and therefore it is important that the side streets remain open onto the A63.	These issues have now been mutually resolved and it is confirmed that the disabled parking space bays will remain at South Church Side (assuming this is referring to South Church Side not South Churchgate).

1.2 RR-002

PINS Ref. RR02	Relevant Representation from Kate Oldroyd (Northern Rail)	Response from Highways England (the Applicant)
2.01	Impact on rail customers/workers as a result of the road closures and diversionary routes	Highways England last met with the main rail operators in October 2018 and engagement will continue throughout the detailed design and construction phases of the scheme. Highways England will also ensure ongoing communication with the local bus service operators to ensure that any disruption does not clash with rail maintenance works and the associated replacement bus services. Diversion routes will be agreed in advance with Hull City Council and will be advertised on the Highways England website, local radio and locally through other channels agreed with the rail operators and bus

		operators. There will be a dedicated Public Liaison Officer for the scheme who will ensure communications including traffic management bulletins with the public, public transport operators and other stakeholders are undertaken in advance of any planned travel disruption.

1.3 RR-003

PINS Ref. RR03	Relevant Representation from Aivilo	Response from Highways England (the Applicant)
3.01	Dear Sirs Our Client; Aivilo Properties Limited The A63 Castle Street Improvement Scheme Could you please note that our Client company, namely Aivilo Properties Limited, as instructed our company to deal with this matter on its behal and a copy of your letter which is addressed to us and dated 25th January, earlier this year, 2018, has been sent to us together with instructions to reply to it on behalf of our Client. This letter comprises and it contains our clients observations and views about the A63 Castle Street Improvement Scheme ("the Scheme"), as is mentioned in the final paragraph of your letter which is addressed to our Client and dated 25th January 2019, which are as follows: 1. Would you please treat this letter as notice of our Cient's objection to the Scheme, and the implementation of it, for the reasons which are more particularly set out in paragraphs 2-4 inclusive, below of this letter. 2. Our client is the owner of the	Highways England has had discussions with both James Legal and their client Aivilo Properties Limited and now has an understanding of their concerns in relation to the Scheme. Aivilo Properties Limited own the freehold of Unit 4 Myton Street which is used as a retail unit and is close to the proposed Staples Compound (Option B) and is currently accessed by customers from the Staples site. Aivilio Properties Limited are aware and understand that Highways England's the preferred compound location is the Arco site (Option A). The planning permission has been successfully granted subject to judicial review period and will therefore be removed from the application by 17th May 2019, this has been communicated to the ExA.

	freehold property ("the Property") which is situate at and known as Unit 4, Myton Street, Hull HU1 2PS. In contrast to the other properties which are affected by the Scheme, the titles of which are leasehold, the Property is registered at Land Registry under title number HS84372 with absolute freehold title which is the best class of title available. Our client carries on, form and at the Property, the business of the sale by retail of nutrition/food supplements/storage and the fact that our client chose to purchase the freehold title of the Property instead of, for example, seeking to negotiate a short-term commercial lease of it demonstrates absolutely and unequivocally our Client's commitment to the site ("the Site") on Castle Street which is the subject of the Scheme. 3. You are seeking to use the Site as a works area in order to enable you to commence the Scheme which comprises the construction of a new underpass and overpass ("the Works") on the main road which is opposite the Site. You have informed our Client, in order to facilitate the Works, of your desire to use 100% of our Client's parking facilities and also close the entrance of our Client's store (Store). Among the serious and substantial consequences of any such action on your part will be the inevitable closure of that part of Client's business which is carried on from and at the Store which comprises part of the Site and this consequence is of particular concern to our Client as a result of the fact that its store at the Site is a study which it is conduction with a view to	

	establishing a national franchise for its products. 4. In addition to the matters which are mention in paragraph number 3, above, of this letter, the Store which is constructed on the Property is pivotal to the destruction by our Client of its products. Having regard to all of the facts and circumstances which are more particularly described in paragraphs numbered 1-5 inclusive, above, of this letter, and having regard also to the very substantial unfairness, inequity, loss, damage, and prejudice which the Scheme would cause our Client and its business to suffer, you will realise that our Client has no alternative than to object to the Scheme and any implementation of it. Yours faithfully James Legal Email: gary.swann@jameslegal.co.uk	

1.4 RR-004

PINS Ref. RR03	Relevant Representation from Historic England	Response from Highways England (the Applicant)
4.01	Historic England would like to request an extension to the consultation period. Because there are numerous documents in the DCO package and complicated cultural heritage issues to address we are not able to send our response to PINS by the 20th November. We would like to submit our response before Friday 14th December 2018.	Noted – no response required.

1.5 RR-005

PINS Ref. RR05	Relevant Representation from The Coal Authority	Response from Highways England (the Applicant)
5.01	I have checked the proposed development area for the A63 Castle Street Improvements, Hull (Drawing No. TR010016/APP/2.1) against the information held by the Coal Authority and can confirm that the proposed development site is located outside of the defined coalfield. Accordingly, I can confirm that the Coal Authority has no comments or observations to make on this proposal. In the spirit of efficiency of resources and proportionality, it will not be necessary for you to consult the Coal Authority at any future stages of the Project. This letter can be used as evidence for the legal and procedural consultation requirements.	Noted – no response required.

1.6 RR-006

PINS Ref. RR06	Relevant Representation from Mason Owen on behalf of B&M RETAIL LTD	Response from Highways England (the Applicant)
6.01	1. Our client occupies a unit on Kingston Retail Park. Mytongate Junction is the main access to the park. 2. Any disruption to traffic entering and leaving the retail park will have a detrimental effect on our client's business. 3. Servicing to our client's unit is via	Highways England have been working closely with EPIC (No.2) Limited, owners and managers of the land at Kingston Retail Park during development of the application on a number of issues relating to the Scheme, and the impact on the operation of the retail park during the construction period and after the

	Spruce Road, which is being stopped up. 4. Any disruption to our client's ability to service the unit will have a detrimental effect on business. 5. Information currently available gives no indication as to how Highways England plans to mitigate the impact of construction works and traffic disruption. 6. The DCO should not be granted until Highways England provides a detailed plan showing how any adverse impact of the scheme will be minimised.	works are complete. Ongoing discussions include maintaining access to the park at all times, access and egress routes and locations at the retail park, with particular focus on traffic and pedestrian movements in relation to the stopping up of Spruce Road, appropriate signage and accessibility for large delivery vehicles to the service yard. Highways England has also been working on visual interpretations of what the retail park will look like from A63 during the different phases of construction and in the finished state. Engagement with EPIC (No.2) Limited will continue as the detailed design develops. EPIC (No.2) Limited have stated their preference to engage directly with their own retail park tenants and this will include sharing the detailed plans as and when they become available.

1.7 RR-007

PINS Ref. RR07	Relevant Representation from Boots UK Limited	Response from Highways England (the Applicant)
7.01	Boots UK Ltd are the tenant of Unit 3a Kingston Retail Park Hull and we are concerned about the effect that the proposed A63 Castle Street improvement scheme will have on the retail park trade as footfall has already been severely reduced and several of the retail units are empty. We are concerned that the scheme will further impact on the Park's footfall and cause even more loss of trade. We would be interested to learn what	Highways England have been working closely with EPIC (No.2) Limited, owners and managers of the land at Kingston Retail Park during development of the application on a number of issues relating to the Scheme, and the impact on the operation of the retail park during the construction period and after the works are complete. Ongoing discussions include maintaining access to the park at all times, access and egress routes and locations at the retail park, with

	mitigation measures are proposed to ensure that access to the Park is open at all times and how customers are to be persuaded to still shop at the Park whilst the works are ongoing?	particular focus on traffic and pedestrian movements in relation to the stopping up of Spruce Road, appropriate signage and accessibility for large delivery vehicles to the service yard. Highways England has also been working on visual interpretations of what the retail park will look like from A63 during the different phases of construction and in the finished state. Engagement with EPIC (No.2) Limited will continue as the detailed design develops. EPIC (No.2) Limited have stated their preference to engage directly with their own retail park tenants and this will include sharing the detailed plans as and when they become available.

1.8 RR-008

PINS Ref. RR08	Relevant Representation from Bryan Cave Leighton Paisner LLP on behalf of Hin Hull Limited and HICP Limited	Response from Highways England (the Applicant)
8.01	Holiday Inn objects to the proposed Order subject to satisfactory mitigation being secured by way of an appropriate agreement between Highways England and the Holiday Inn, as further described in the response. (Full copy of letter available on PINs website)	Highways England has been engaging and working with the owners of the Holiday Inn to minimise disruption on the hotel's operation. An option and mitigation deed has been drawn up to secure the mitigation requested by Holiday Inn including additional protective provisions and to grant the necessary land rights required by Highways England. It is expected that this agreement will be completed in the next few weeks and that the owners of Holiday Inn will then be able to withdraw their relevant representation.

1.9 RR-009

PINS Ref. RR09	Relevant Representation from BNP Paribas Real Estate on behalf of Royal Mail Group Limited	Response from Highways England (the Applicant)
9.01	Royal Mail requests that: 1. The DCO offers a requirement that Royal Mail is pre-consulted by Highways England on any proposed road closures/ diversions/ alternative access arrangements, hours of working and the content of the final Constriction Traffic Management Plan (CTMP).	1) Highways England, have been collaborating to ensure as far as practicable that the schemes can be delivered efficiently, minimising the impact on the public and key stakeholders such as Royal Mail. Highway's England, in constructing any scheme, will consult as necessary on traffic management and seek to ensure that in so far as possible any proposals are dovetailed with other proposals in the area to give a seamless transition for road users.
9.02	2. The DCO offers a requirement that the final CTMP includes provision for a mechanism to inform major road users about works affecting the local network (with particular regard to Royal Mail's distribution facilities in the vicinity of the DCO application site).	2) Highways England will provide a dedicated Public Liaison Officer for the scheme who will ensure communications including traffic management bulletins with the public, public transport operators and other stakeholders (including Royal Mail) are undertaken in advance of any planned travel disruption. Highways England have added Royal Mail to their list of named consultees to be consulted on usage of the network and communicate in advance with Royal Mail on the few occasions where full closures are envisaged to be required

1.10 RR-010

PINS Ref. RR10	Relevant Representation from Hull City Council	Response from Highways England (the Applicant)
10.01	In brief my interest is in the creation of a sustainable, accessible and inclusive physical public environment during the works and at completion of the whole project. I am employed by Hull City Council to consult with and represent the views and needs of disabled people living, working or visiting the city. I have been consulted by Highways England during the development of the project, particular on the main bridge but less so on the Porter Street bridge and the proposed alternative to the fully accessible at grade crossings at the end of Market Place	As the A63 segregates a major City Centre environment and as Castle Street is located within this urban area many key groups are affected by the proposals. This includes pedestrians, including those with disability (visual and mobility impaired), pedal cyclists, horse riders, and all types of motorists (including very wide loads). The project team have worked extremely closely with numerous accessibility groups in Hull throughout the design development stage to address some of their key concerns. This was to understand the impacts to them both during the construction of the works and to ensure it will be fit for purpose when completed. The project team continue to engage with the Hull City Council's Access Officer and particularly more recently to discuss the detailed design. Further meetings and site visits have now been organised to ensure any issues raised by Hull City Council and consultative group Hull Access Improvement Group can be integrated into the detailed design where possible. This is likely to focus on the closure of the Market Place crossing and the alternative route via High Street. Highways England has now resolved the concerns in relation to Princes Quay Bridge and Porter Street Bridge.

1.11 RR-011

PINS Ref. RR11	Relevant Representation from HAIG	Response from Highways England (the Applicant)
11.01	As Secretary to Hull Access Improvement Group (HAIG) we are interested in access to and around the scheme during all its phases.	As the A63 segregates a major City Centre environment and as Castle Street is located within this urban area many key groups are affected by the proposals. This includes pedestrians, including those with disability (visual and mobility impaired), pedal cyclists, horse riders, and all types of motorists (including very wide loads). The project team have worked extremely closely with numerous accessibility groups in Hull throughout the design development stage to address some of their key concerns. This was to understand the impacts to them both during the construction of the works and to ensure it will be fit for purpose when completed. The project team continue to engage with the Hull City Council's Access Officer and particularly more recently to discuss the detailed design. Further meetings and site visits have now been organised to ensure any issues raised by Hull City Council and consultative group Hull Access Improvement Group can be integrated into the detailed design where possible. This is likely to focus on the closure of the Market Place crossing and the alternative route via High Street. Highways England has now resolved the concerns in relation to Princes Quay Bridge and Porter Street Bridge.

1.12 RR-012

PINS Ref. RR12	Relevant Representation from Marine Management Organisation	Response from Highways England (the Applicant)
12.01	The Marine Management Organisation (MMO) is an Interested Party for the examination of Development Consent Order (DCO) applications for Nationally Significant Infrastructure Projects (NSIPs) in the marine area. The MMO received notification on 12 November 2018 stating that the Planning Inspectorate (PINS) (on behalf of the Secretary of State for Transport) has accepted an application from Highways England ("the Applicant"), for a DCO for the A63 castle Street Improvement – Hull proposed development.	Noted
12.02	The MMO has an interest in this project, as it is associated with the extension of a marina platform to support the foundations of walkway for a new bridge for non-motorised users over the A63 Castle Street at Princess Quay, Hull. The application is also associated with the potential construction of a surface water outfall(s) within the Humber Estuary. The DCO application includes a Deemed Marine Licence (DML) under Section 65 of the Marine and Coastal Access Act 2009 (MCAA 2009) and should consent be granted for the project, the MMO will be responsible for monitoring, compliance and enforcement of DML conditions.	The MMO has determined a Marine Licence for works at Princes Quay Bridge (the extension of a marina platform to support the foundations of a walkway for the new bridge for non-motorised users over the A63 Castle Street at Princes Quay, Hull MMO reference: MLA/2018/00358) and a licence was granted for the works (licence reference: L/2018/00390/1), on 5 November 2018. Following consultation with the MMO prior to the DCO application submission, the Applicant does not foresee any further works requiring a Marine Licence being undertaken on the Scheme other than those at Princes Quay Bridge for which a Marine Licence has been granted. As a consequence, the DML will be removed from the next iteration of the DCO application.

12.03	Due to the length of the representation, the MMO is unable to submit its comments in full via the PINS website. Instead, a copy of the MMO's full representation has been submitted to PINS via email (A63castlestreet@pins.gsi.gov.uk). Copy attached.	Noted
12.04	**1. Previous engagement** 1.1 The MMO has previously engaged with the developer with regards to aspects of the proposed development. Specifically, during pre-application engagement with both the Applicant and the Local Planning Authority (Hull City Council), all parties agreed that the construction of the non-motorised Princes Quay Bridge constituted a discrete project in its own right. Following this determination, the Applicant submitted a Marine Licence application to the MMO for the extension of a marina platform to support the foundations of a walkway for a new bridge for non-motorised users over the A63 Castle Street at Princes Quay, Hull (MMO reference: MLA/2018/00358). This application was determined, and a licence granted for the works (licence reference: L/2018/00390/1), on 5 November 2018.	Noted
12.05	1.2 For completeness, a summary of our pre-application engagement is provided below:	The Applicant notes the list of pre-application engagement at RR para 1.2. In addition, the Applicant would like to add the following to the summary as follows: 6 June 2013 – Meeting between Mott MacDonald Grontmij (now known as Mott MacDonald Sweco – MMS), Environment Agency, Natural England and MMO. To discuss potential locations of the discharge, water quality impact assessment requirements and other requirements of the stakeholders including consents associated with the construction and operation of the rising main and outfall to

		the Humber Estuary. 19 June 2018 – Email from Claire Bowers, Marine Conservation Officer, MMO regarding European Protected Species during consultation regarding the Marine Licence application for works at Princes Quay Bridge. Confirmation that a wildlife licence under the Conservation of Habitats and Species Regulations 2017 is not required for activities that may cause a disturbance to individual grey seals. The only situations where disturbance of seals requires consideration is if they are the feature of a Special Area of Conservation (SAC) and there will be impact to their Favourable Conservation Status (FCS), or if they are listed as a feature of a SSSI. It is an offence to disturb any feature of a SSSI under the Wildlife and Countryside Act 1981.
12.06	- Proposed works associated with the construction of the Princes Quay Bridge were subjected to an Environmental Impact Assessment (EIA) Screening under The Marine Works (Environmental Impact Assessment) Regulations 2007 (Screening determination issued: 12 October 2015). Following an EIA Screening assessment under Annex II Schedule 10(b) of EIA Directive (85/337/EEC), as required by the Marine Works (EIA) Regulations 2007: "urban development projects", the MMO determined that the proposal did not constitute an EIA development (MMO reference: EIA/2015/00029).	Noted.
12.07	- Teleconference between the MMO, the Applicant, Hull City Council (Local Planning Authority; LPA), and Arup (external consultants) to discuss the construction of the Princes Quay bridge and relocation of the Spurn Lightship (17 April 2018).	Consultation noted.

12.08	- Teleconference between the MMO, the Applicant, LPA, Arup and Sweco (external consultants) to discuss the drafting of Habitats Regulations Assessments (HRA), under regulation 63 of The Conservation of Habitats and Species Regulations 2017 (22 May 2018).	Consultation noted. Telecon was held to discuss the implications to the HRA Screening process arising from a precedent set on the 12 April 2018 by a decision made by the Court of Justice of the European Union (CJEU) People Over Wind and Sweetman v Coillte Teoranta (C-323/17)[1]
12.09	- Teleconference between the MMO, the Applicant, LPA, Arup and Sweco to discuss the updated Habitats Regulations Assessment (HRA) and Assessment of Implications on European Sites Screening Report (AIES) (5 June 2018).	Consultation noted. Telecon was on 7 June 2018.
12.10	- Teleconference between the MMO, the Applicant, LPA, Arup and Sweco to discuss the updated HRA documents and proposed application timescales (4 July 2018).	Consultation noted.
12.11	- Email/letter response to an enquiry from Arup concerning the potential requirement for a Marine Licence for the removal and deposit of pontoons (5 July 2018).	Consultation noted.
12.12	- Email response to an enquiry from Sweco concerning the potential requirement for a Marine Licence for the construction and operation of the site compounds (17 July 2018).	Consultation noted. The email sent from MMO on 13 July 2018 confirms that as the proposed site compound locations are located outside of the marine environment i.e. above Mean High Water Spring (MWHS) levels, a Marine Licence application is not required.
12.13	1.3 During a recent telephone conversation (22 November 2018), both the Applicant and the MMO confirmed the requirement for further engagement in discussions concerning the development of Statements of Common Ground (SoCG).	Consultation noted. No SoCG required.
12.14	2 Environmental Statement	Noted

[1] Court of Justice of the European Union (CJEU) People Over Wind and Sweetman v Coillte Teoranta (C-323/17). Available online at: http://curia.europa.eu/juris/document/document.jsf?docid=200970&doclang=EN

	2.1 General Comments 2.1.1 Overall, the MMO is of the opinion that the data and assessments presented in the ES are appropriate to the nature and scale of the works associated with this DCO application. Specifically, the MMO is of the opinion that the radius defined for local environmental considerations is appropriate and that the likely potential impacts to the marine environment have been adequately considered.	
12.15	2.1.2 The MMO has reviewed the chapters of the ES. The following chapters have been considered: Chapter 1: Introduction Chapter 2: The Scheme Chapter 3: Consideration of alternatives Chapter 4: Consultation Chapter 5: EIA process Chapter 7: Noise and vibration Chapter 10: Ecology and nature conservation Chapter 11: Road drainage and the water environment Chapter 12: Geology and soils Chapter 13: Materials Chapter 15: Effects on all travellers Chapter 16: Combined and cumulative effects Chapter 17: Summary of Environmental Statement and findings	Noted
12.16	2.1.3 The following chapters have not been reviewed as the MMO consider them to be outside of our remit: Chapter 6: Air quality Chapter 8: Cultural heritage Chapter 9: Landscape Chapter 14: People and communities	Noted
12.17	2.2 Plans and Policies 2.2.1 In examining the DCO Application, PINS is required to have regard to the Marine Policy Statement and any relevant marine plan.	Noted

12.18	2.2.2 The MMO is the marine plan authority for the English inshore and offshore regions. In this regard, the MMO confirm that the Project will be undertaken within the East Inshore Marine Plan Area.	Noted
12.19	2.2.3 Whilst the MMO acknowledges reference to the East Marine Plan within the application, it does not appear that that proposed development has been assessed for compliance against the relevant policies of the Marine Plan.	The proposed development has been assessed for compliance against the relevant policies of the East Marine Plan. The ES (**Application Document Reference: TR010016/APP/6.1**) and AIES/HRA (**Application Document Reference: TR010016/APP/6.13**) has undertaken assessments and provided details relating to: proposals that provide health and social well-being benefits including through maintaining, or enhancing, access to the coast and marine area (SOC1); proposals that may affect heritage assets (SOC2); impacts and risks to ecosystems and habitats (complying with policies ECO1 and ECO2); the protection of biodiversity and European Sites, including the enhancement of terrestrial features and mitigation to avoid deterioration (BIO1 and BIO2); scoping out of impacts to the Marine Protected Area (MPA1); climate change impacts, adaption and mitigation (CC1); operational activities upon activities in the Marine Protected Area, other existing or authorised activities (GOV1, GOV2 and GOV3); and, impacts on tourism and recreation activities (TR1).

12.20	2.3 Chapter (Introduction) 2.3.1 The ES provides an overview and of the Princes Quay Bridge within the context of existing planning consent obtained from the LPA in paragraphs 1.3.5 to 1.3.7. As mentioned above, the marine works required to facilitate the construction of the Princes Quay Bridge have already been consented by the MMO. The MMO therefore advises that the ES be updated to accurately reflect the consenting status of the Princes Quay Bridge marine works.	As noted in para 2.3.2 below, para 1.3.7 of the ES (**Application Document Reference: TR010016/APP/6.1**) explains why Princes Quay Bridge has been included in the EIA process as follows: *"For the purposes of the ES, the EIA process has assumed that Princes Quay Bridge is being built as part of the Scheme and the topic Chapters 6 to 16 make reference to this accordingly. This is in order to assess the 'worst case scenario' and to align with the Traffic Assessment process. If Princes Quay Bridge is constructed early, there will be no adjustment to the DCO application to ensure consistency across the application. Staggered delivery is not anticipated to have any significant effect on any assessments within the ES."*
12.21	2.3.2 It is noted that paragraph 1.3.7 of the ES states that if "Princes Quay is constructed early, there will be no adjustment to the DCO application to ensure consistency across the application". It is also stated in paragraph 10.5.24 of the ES that the Princes Quay Bridge is being delivered as an early phase of the A36 Castle Street Improvement Scheme, subject to the attainment of the relevant approvals. As the works associated with the construction of the Princes Quay Bridge have already been permitted as a discrete project by both the LPA and MMO, the MMO are of the opinion that it should not be considered as part of the proposed development. Rather, the ES should consider the likely impact of the proposed development in-combination with the construction of the Princes Quay footbridge in Chapter 16. Despite this, the MMO is of the opinion that the likely potential impacts to the marine environment from the	The ES (**Application Document Reference: TR010016/APP/6.1**) including Chapter 16 Combined and Cumulative Effects considers the likely impact of the Scheme in combination with the construction of Princes Quay Bridge.

	proposed development have been adequately considered within the ES.	
12.22	2.4 Chapter (Consultation) 2.4.1 Paragraph 4.5.14 of the ES summarises pre-application consultation with the MMO. The outcomes of all pre-application engagement with the Applicant have been detailed within Section 1 of this response. With the exception of advice provided against the AIES and the works associated with the construction of the Princes Quay Bridge, all other pre-application engagement concerned high-level advice related to the location of drainage outfalls and site compounds and the potential requirements for marine licensing. Specifically, the MMO advised the Applicant (and their external consultants) on the criteria for exempted/non-licensable activities and the likely requirement for a Marine Licence if any works are to be undertaken within the UK Marine Area.	The Applicant does not foresee any works in the UK Marine Area being undertaken on the Scheme other than those at Princes Quay Bridge for which a Marine Licence has been granted. The project team is currently seeking agreement with Yorkshire Water to discharge directly into the existing Yorkshire Water Sewer. This will negate the need to outfall to the Humber Estuary and the potential for marine licensing. As per response to para 12.12 above, the email sent from MMO on 13 July 2018 confirms that as the proposed site compound locations are located outside of the marine environment i.e. above Mean High Water Spring (MWHS) levels, a Marine Licence application is not required. As a consequence, the DML will be removed from the next iteration of the DCO application.
12.23	2.5 Chapter 12 (Geology and Soils) 2.5.1 In Paragraphs 12.6.27 to 12.6.29 reference is made to the identification of unexploded ordnances (UXOs). The MMO advises that a separate Marine Licence must be obtained for the offshore detonation of UXOs (under Section 66(10), Marine and Coastal Access Act 2009).	Noted
12.24	3 Development Consent Order 3.1 Part 4(17) of the DCO makes reference to the use of "any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the	As per response to 2.4.1 above.

	authorised development". The MMO advise that the construction of new discharge structures (e.g. outfalls) or alteration of existing pipes may have their own requirements for marine licensing should the watercourse in question be considered to be within the UK Marine Area. Any such activities to be undertaken within the UK Marine Area must therefore be included within the DML.	
12.25	3.2 Part 7(41) of the DCO makes reference to the marine works granted under the DML. The MMO advise that this statement is acceptable, provided that the DML accurately reflects the marine works associated with the proposed development.	Noted
12.26	3.3 No comment made	Noted
12.27	3.4 Under Schedule 1 of the DCO, work nos. 21B, 21C, and 21D make reference to the "potential construction of surface water rising mains[s]… to an outfall into the Humber". As stated in paragraph 3.1, the MMO advise that the construction of new discharge structures (e.g. outfalls), or the alteration of existing pipes, may have their own requirements for marine licensing should the watercourse in question be considered to be within the UK Marine Area. Any such activities to be undertaken within the UK Marine Area must therefore be included within the DML.	As per response to 2.4.1
12.28	3.5 Under Schedule 1 of the DCO, work no. 31 references the "construction of a new bridge over the A63 between Princes Quay shopping centre and Humber Dock". As stated in paragraph 1.1 of this response, the marine works required to facilitate the construction of the Princes Quay Bridge have already been consented by the MMO, following pre-application engagement and agreement with the Applicant and LPA that the proposed works constituted a discrete project in their own right. The MMO therefore request that this work no. be removed from the DCO.	As per response to 2.3.1
12.29	3.6 Under Schedule 1 of the DCO, reference is made to additional works to be carried out in connection with work nos. 1 to 45. Specifically, under points (d), (f), and (g), reference is made to the construction of new, and the alteration of	All activities requiring marine licensing have been included in existing DML for Princes Quay Bridge. The Applicant does not foresee any further

	existing, structures (e.g. drainage systems, outfalls, watercourses, and structures), in addition to the deposit and relocation of plants and other equipment. The MMO advises that any such activities may have their own requirements for marine licensing should they be undertaken within the UK Marine Area. Thus, the MMO advise that all marine licensable activities must be included and permitted under a DML.	works in the UK Marine Area being undertaken on the Scheme.
12.30	4 Deemed Marine Licence 4.1 In its current form, the MMO considers that the drafted DML is not fit for purpose. The MMO advise that an acceptable DML must include the following information: a. A clear definition of all abbreviations and terms referenced within the DML. The MMO advise that this information should be included within Part 1 of the DML under a subsection entitled "Interpretation".	The content of the DML in the DCO application submitted in September 2018 was limited as we were aware that the DML application for Princes Quay Bridge was ongoing and was likely to achieve consent before the examination into DCO (but not before DCO submission). The Applicant does not foresee any further works in the UK Marine Area being undertaken on Scheme.
12.31	b. The main point of contact with the MMO and the address for email and postal returns and correspondence. In the case of the proposed development, the main point of contact with the MMO is: Marine Management Organisation Lancaster House Hampshire Court Newcastle upon Tyne NE4 7YH Tel: 0300 123 1032 Fax: 0191 376 2681 Email: marine.consents@marinemanagement.org.uk Any references to any local MMO office shall be the relevant office located at: Marine Management Organisation Pakefield Road Lowestoft Suffolk NR33 0HT Tel: 01502 573149 Fax: 01502 514854	Noted

	Email: lowestoft@marinemanagement.org.uk The above information should be included within Part 1 of the DML under a subsection entitled "Contacts".	
12.32	c An accurate description of all works to be licensed within the DML. As previously noted in paragraphs 3.1, 3.4 and 3.6 of this response, the MMO advise that any activities to be undertaken within the UK Marine Area may have their own requirements for marine licensing and should therefore be included within the DML. This information should be included within Part 2 of the DML.	As per response to 4.1.a.
12.33	d A complete list of coordinates for the area(s) within which the licensable works are to be completed. This information should be included within Part 2 of the DML under a subsection entitled "Coordinates for Order limits seaward of MHWS".	As per response to 4.1.a.
12.34	e A complete list and details of agreed conditions with which the licensable activities must comply. This information should be included within Part 4 of the DML.	As per response to 4.1.a.
12.35	f Part 3, enforcement, should be moved to the end of the DML.	As per response to 4.1.a.
12.36	4.2 Under Part 2(3) of the DML it is stated that the licence holder "is permitted to construct the Princes Quay Bridge". As stated in paragraph 1.1 of this response, the marine works required to facilitate the construction of the Princes Quay Bridge have already been consented by the MMO, following pre-application engagement and agreement with the Applicant and LPA that the proposed works constituted a discrete project in their own right. The MMO therefore advise that the marine works associated with the construction of the Princes Quay Bridge be removed from the DML.	As per response to 4.1.a.
12.37	4.2 (number duplicated) The MMO have identified a number of potentially marine licensable activities associated with the proposed development (see paragraphs 3.1, 3.4 and 3.6 of this response). The MMO advise that all licensable works to be undertaken within the UK Marine Area must be included within the	As per response to 4.1.a.

	DML.	
12.38	4.3 The MMO is unable to comment on any DML conditions until all of the licensable activities have been correctly identified. However, the MMO considers that the following standard conditions must be included in the DML: a The licence holder must notify the MMO prior to the commencement of the first instance of any licensed activity. This notice must be received by the MMO no less than five working days before the commencement of that licensed activity.	As per response to 4.1.a.
12.39	b The licence holder must notify the MMO in writing of any agents, contractors or subcontractors that will carry on any licensed marine activity on behalf of the licence holder. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity. The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments has been provided to, read and understood by any agents, contractors or sub-contractors that will carry on any licensed marine activity on behalf of the licence holder.	As per response to 4.1.a
12.40	c Should the licence holder become aware that any of the information on which the granting of this licence was based has changed or is likely to change, they must notify the MMO at the earliest opportunity. Failure to do so may render this licence invalid and may lead to enforcement action.	As per response to 4.1.a
12.41	d The licence holder must notify the MMO in writing of any vessel being used to carry on any licensed marine activity on behalf of the licence holder. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity. Notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.	As per response to 4.1.a
12.42	e The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments has been read and understood by the masters of any vessel being used to carry on	As per response to 4.1.a

	any licensed marine activity and that a copy of this licence is held on board any such vessel.	
12.43	4.4 In addition to the DML conditions listed under paragraph 4.3 of this response, the MMO considers that the following standard pollution prevention measures must be also be included within the DML: a All coatings and treatments must be suitable for use in the marine environment.	As per response to 4.1.a
12.44	b All wastes must be stored in designated areas that are isolated from surface water drains, open water and bunded to contain any spillage.	As per response to 4.1.a
12.45	c Any oil, fuel or chemical spill within the marine environment must be reported to the MMO Marine Pollution Response Team within 12 hours. Within office hours: 0300 200 2024 Outside office hours: 07770 977 825 At all times if other numbers are unavailable: 0345 051 8486 Email: dispersants@marinemanagement.org.uk	As per response to 4.1.a
12.46	d Bunding and/or storage facilities must be installed to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment. Secondary containment must be used with a capacity of no less than 110% of the container's storage capacity.	As per response to 4.1.a
12.47	4.5 The MMO advises that condition headings are required within the 'Conditions' section of the DML. Based on the recommended standard conditions, the MMO advises that the above suggested conditions be organised under the following headings: a Notifications b Pollution prevention	As per response to 4.1.a
12.48	5 Future engagement 5.1 As there has been no engagement with the Applicant regarding the drafting of the DML, the MMO is unable to make any further comments in this regard. In light of this, the MMO would welcome future engagement from the Applicant	As per response to 4.1.a

	to ensure that all marine licensable activities are appropriately considered and captured within any future drafted DML.	
12.49	6 Conclusion 6.1 The MMO welcomes consultation on this proposal and wishes to highlight the value of the pre-application developer engagement. In the case of this proposed development, pre-application engagement focussed principally on the construction of the Princes Quay Bridge. The marine licensable activities associated with the construction of the Princes Quay Bridge were subsequently permitted under a Marine Licence application (application reference: MLA/2018/00358; Licence reference: L/2018/00390/1) on 5 November 2018.	Noted
12.50	6.2 Whilst the MMO were aware of the proposed development, the Organisation was not provided with the opportunity to review any draft versions of the ES and DCO (including the DML) prior to submission to PINS. Having reviewed the application, the MMO is of the opinion that the ES provides an adequate assessment of the potential impacts on the marine environment from the construction activities associated with the proposed improvement works to the A63 Castle Street, Hull. However, it is the advice of the MMO that the matters raised within this letter must be addressed. In light of this, the MMO would welcome future engagement from the Applicant to ensure that the issues are resolved in a timely manner.	Noted
12.51	6.3 No comment made	Noted
12.52	6.4 The MMO reserves the right to modify its present advice or opinion in view of any additional matters or information that may come to our attention.	Noted
12.53	6.5 The MMO would be grateful if you could ensure that those indicated below are added to the distribution list for PINS communications for this case.	Noted
12.54	Yours faithfully, Dr Jamie Johnson Marine Licensing Case Officer	Noted

	Tel: +44 (0)208 225 8951 Email: Jamie.johnson@marinemanagement.org.uk Copies to: Heather Hamilton (MMO): heather.hamilton@marinemanagement.org.uk Paul Kirk (MMO): paul.kirk@marinemanagement.org.uk	

1.13 RR-013

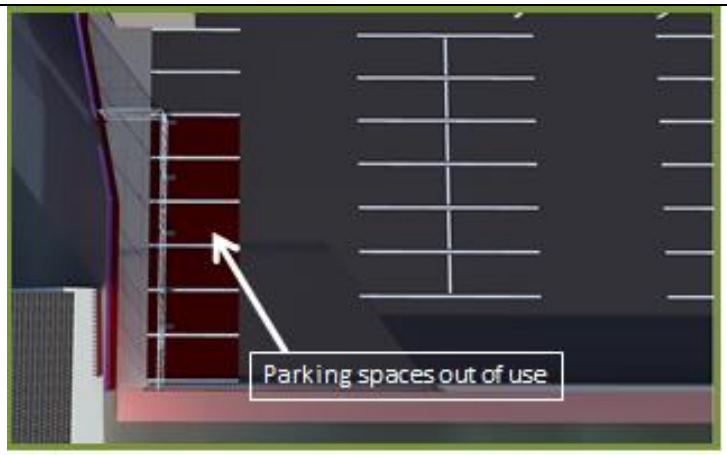
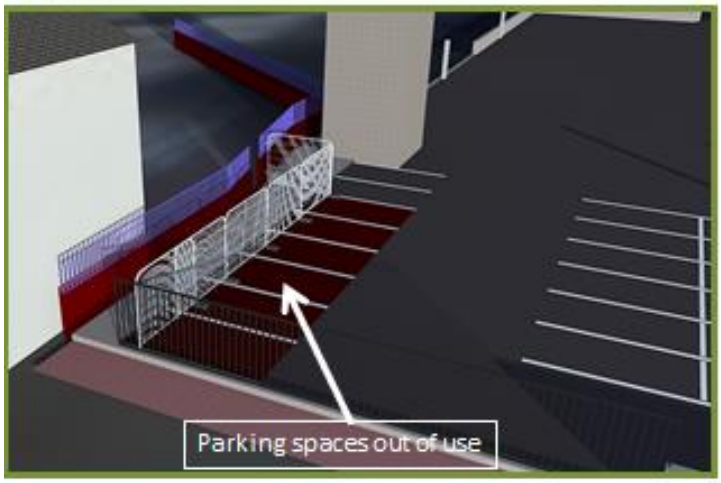
PINS Ref. RR13	Relevant Representation from Shulmans LLP on behalf of Princes Quay Developments Ltd	Response from Highways England (the Applicant)
13.01	1. Princes Quay Development Ltd ("PQDL") have a legal interest in the land known as the Castle Buildings and Earl De Grey Public House ("the Site"). 2. It is understand that part of the Site, at the corner known as 13-14 Castle Street is proposed to be acquired permanently with the remainder being covered by a proposed temporary land take. 3. PQDL object to the permanent and temporary land take of the Site as follows: (a) Insufficient justification for the extent of the permanent and temporary land take has been given; (b) No guarantee has been provided as to how long the temporary acquisition of part of the Site would be for; (c) The proposal will frustrate any development of the Site to the detriment of the surrounding area; (d) Insufficient attention has been given to the possibility of aligning proposed	Highways England need to relocate the Earl de Grey listed building to ensure that the commitment to keeping two lanes of traffic operating in each direction can be delivered safely. Temporary land has been included to facilitate this movement of the building. A small section of land (3/11/e on the land plans Application Document Reference: TR010016/APP/2.3) for permanent acquisition has been included in front of the Earl de Grey building to enable a standard width footpath to be provided. Highways England are working closely with Castle Building LLP, the building owners, to incorporate the Earl de Grey into a future development on an adjacent site and to ensure the scheme limits any negative impact on development proposals for this and the adjacent site. Therefore, the development of the site will not be frustrated. Highways England are working

	development on part of the Site with proposed development of the remainder on the Site.	towards an agreement with Castle Building LLP which will include full timescales for works on the temporary land.

1.14 RR-014

PINS Ref. RR14	1) Relevant Representation from Schulmans LLP on behalf of Princes Quay Estates Limited	Response from Highways England (the Applicant)
14.01	Princes Quay Estates Limited ("PQEL") own land adjacent to the bridge proposed as part of the DCO Scheme and have entered into an agreement with Highways England regarding permanent land take, permanent rights and temporary rights to enable the construction of the bridge. However, it appears from the plans accompanying the DCO that there is additional land owned by PQEL which is not covered by the proposed agreement and which Highways England propose to acquire temporarily. This land is part of the current Princes Quay Shopping Centre multi-storey car park at its south western corner. PQEL object to the temporary acquisition of this on the following grounds: (a) The continued use of	We concur with this statement. Our proposed methodology will allow continued use of the car park.

	the car park is essential for the operation of the Princes Quay Shopping Centre	
14.02	(b) Insufficient information has been given regarding the length of the temporary land take	Our current programme requires the use of plot referenced by PQEL(plot 3/7f) for the period of August 2020 – August 2024. The land is required initially for scaffolding to allow the safe demolition of the Earl de Grey public house, and subsequently to provide safe access around the works for pedestrians, cyclists & disabled users. We will erect a temporary fence to create a safe area whilst the Earl de Grey building is demolished. This is from August 2020 to February 2021. This fence will then remain in situ to form the boundary for a pedestrian footway whilst the Scheme is being constructed and is planned to be removed August 2024.
14.03	(c) No guarantees have been provided to ensure that the car park can continue to operate without detriment.	The temporary acquisition will allow the car park to remain operational. The car park circulation space will not be affected, so apart from the loss of **6** parking spaces the car park can continue to operate normally. See visualisation below.

		 
14.04	(d) Highway Directions signage to Princess Quay Shopping Centre and Myton Street Retail Park to be replaced/relocated.	The signage strategy will be updated as part of the detail design and will comply with Highways England and Hull City Council requirements and aspirations. Princes Quay will be contacted regarding any changes that impact them directly and we will continue to work with them during the detailed design of the Scheme. During the construction period, Princes Quay car park will be signed from the A63 either, utilising the existing signage where possible or using a temporary sign with relevant details.

1.15 RR-015

PINS Ref. RR15	Relevant Representation from Shulmans LLP on behalf of Princes Quay Retail Limited	Response from Highways England (the Applicant)
15.01	1. Two alternative sites are proposed for the temporary (several years) materials plant compound, a preferred site, "Site A" (known as the Arcos Site)	Highways England have consulted and assessed the environmental impacts on both sites. Highways England considered it justified to

	and an alternative site, "Site B" (known as the Staple Site). Princes Quay Retail Limited ("PQRL") owns Site B. The inclusion of alternative sites is contrary to relevant development consent and compulsory purchase law, and policy. 2. The fact that there is a preferred Site A means it cannot be demonstrated that Site B is required for the development. The inclusion of Site B as an alternative is contrary to the policy provision that the Secretary of State must be satisfied that the acquisition is no more than is reasonably required for the development. Site A alone can satisfy this requirement. 3. It cant be demonstrated that Site B is required to facilitate or is incidental to, the development as Site A is the preferred site and can fulfil this function. 4. The inclusion of Site B is more than reasonably necessary for the development and it is not proportionate to include it in the DCO, given its impact as referred to below, because it is Highways England's position that Site A can achieve the development. 5. There is no compelling case in the public interest for Site B to be acquired compulsorily as there is an alternative Site A which is preferred by Highways England. 6. PQRL owns a legal interest in Myton Street Retail Park. The plans indicates that the DCO will allow the acquisition of a sliver of land along the south-western edge of the retail park and the temporary acquisition of part of the retail park. This would have an unacceptable impact on the retail park. 7. The proposed use of Site B as a compound would have a serious	include both sites within the DCO, thereby allowing arguments to be made in respect of each option as part of the Examination of the application and for the ExA and the Secretary of State to consider which option should be authorised. This approach is lawful and is not contrary to policy. There is precedent for the inclusion of alternative options in a draft DCO on other schemes, including the Hinkley Point C Connection DCO. Highways England accepts that there would be evidential difficulties for the ExA or the Secretary of State in being satisfied that two alternative areas of land were both required and, indeed, in being satisfied that there was a compelling case in the public interest for acquiring both alternatives. However, it is Highways England's view that the choice between the alternatives should be based on all material considerations. Highways England is not seeking compulsory acquisition powers in respect of both the alternative sites (Site A, known as the Arco Site and Site B, known as the Staples site). Rather, Highways England is requesting the Examining Authority (ExA) and the Secretary of State to consider two reasonable alternatives and to grant compulsory acquisition powers in respect of one of these options only. Highways England agreed at the Preliminary Meeting on 26 March 2019 to update the ExA as to which site it expects to be able to take forward by 17 May 2019. Further correspondence regarding this issue is available on the ExA website including letters from the applicant and Shulmans LLP on behalf of Princes Quay Retail Limited.

	impact on the trading position of Princes Quay Shopping Centre due to noise, dust, traffic generation and general visual impact. 8. The site is to be used as a compound for a period of five years. In the intervening period, the continued vacancy of the site is harmful to the success of Princes Quay as a retail and leisure centre. 9. Highway Directions signage to Princess Quay Shopping Centre and Myton Street Retail Park to be replaced/relocated. 10. The proposal is preventing the development of Site B in a manner complimentary to the adjacent retail and leisure use resulting in loss of significant income both in terms of inability to use Site B for other purposes and the impact of the proposed use on the trading at Princes Quay. 11. The proposed use of Site B would have an unacceptable impact on the nearby newly opened Hull Venue and the surrounding important gateway area. 12. The development of Site B for retail purposes use is being frustrated by the identification of the site as an alternative compound. 13. There is another alternative site for the compound which Highways England prefer.	

1.16 RR-016

PINS Ref. RR16	Relevant Representation from Malcolm Scott on Behalf of Charlie Spencer	Response from Highways England (the Applicant)

16.01	I'm working for Charlie Spencer, the owner of land, Humber Quays, affected by the application for outstanding issues to be resolved including the aforementioned applications. We have been in discussion with Highways England and their design team. I object to the proposed routes for water discharge based on drawings by Mott MacDonald Sweco entitled TRO10016/APP/2.4(DB) Sheet 3 of 6 and (F) Sheet 5 of 6. I object to the application as follows: 1) There is a discharge outlet adjacent to Commercial Road entrance to the hotel that has capacity to cope with the discharges. This is under discussion between the Highways England and it's contractor. 2) If that is not possible then 21C is not approved as it prejudices the development of the site in accordance with the draft site design as stated by the Council. 3) If that is not possible then 21B is not approved as it prejudices redevelopment of the site in accordance with the draft design guidance as stated by the Council. 4) If that is not possible then 21D is not approved as it prejudices the redevelopment of the site and terminates in a corner of the outer wall. Please acknowledge receipt of this objection. Malcolm Scott [Redacted]	Highways England and their design consultants, along with the appointed District Valuer have met with Spencer Group and their representative's numerous times over the past several years. Meetings have focused on Highways England's intended use of the site Spencer Group currently own, the five-acre (approximate) site south of Wellington Street West. The plots in question (shown on Land Plan Application Document Reference TR010016/APP/2.3) are: · Land in respect of the subsoil: o 3/1bx, 5/2m, 5/3g, 5/3h · Temporary possession: o 3/10a, 3/10b, 5/3a, 5/3d, · Permanent Rights: o 5/3b, 5/3c, 5/3e, 5/3f, 5/3i, 5/3j Highways England require this site on a temporary basis for the entire construction phase for use as the main office compound. Spencer Group and Highways England have started progressing the Heads of Terms, lease and agreement for the use of this site during the construction period. A Highways England report from circa 2014 identified a number of potential locations for discharge of the pumping station rising main. The route identified as most favourable were direct discharge to the River Humber via a route along Commercial Road. A reserve option of discharge to YW sewers was included, should the above prove impracticable.

		In reference to Spencer Group concerns over the long route of the Yorkshire Water rising main, Highways England have discussed this with Yorkshire Water and other key stakeholders for some time in an attempt to resolve the concerns. Spencer Group have made it clear that they have concerns over the three 'long' rising main routes within the Application as it may sterilise a part of the site and reduce their ability to redevelop it in the future. Following further investigation and concerns raised by stakeholders in this location, the proposed solution of outfall to the Humber is no longer considered feasible. YW confirmed they have no objections to the underpass drainage being discharged into the combined network. This has been informally communicated to Spencer Group in recent meetings.

1.17 RR-017

PINS Ref. RR17	Relevant Representation from EPIC (No.2) Limited (EPIC (No.2) Limited)	Response from Highways England (the Applicant)
17.01	Dear Sirs A63 (CASTLE STREET) IMPROVEMENT, HULL PINS Reference Number TR010016	Highways England have been working closely with EPIC (No.2) Limited, owners and managers of the land at Kingston Retail Park during development of the application on a number of issues relating to the Scheme, and the impact on the operation of the retail park during the construction period and after the works are complete.

	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	Ongoing discussions are around maintaining access to the park at all times, access and egress routes and locations at the retail park, with particular focus on traffic and pedestrian movements in relation to the stopping up of Spruce Road, appropriate signage and accessibility for large delivery vehicles to the service yard. Highways England has also been working on visual interpretations of what the retail park will look like from A63 during the different phases of construction and in the finished state. This includes boundaries for the hoardings at each phase of construction, car park configuration during construction, location of totem signs and landscaping in the finished state. Engagement is ongoing with EPIC (No.2) Limited on the detail of the type, size and visual design of the hoardings and also on the configuration of the car park. Highways England has engaged with EPIC (No.2) Limited and negotiations on acquiring land by agreement and compensating for any loss of car parking provision are due to commence. Engagement with EPIC (No.2) Limited will continue as the detailed design develops. EPIC (No.2) Limited have stated their preference to engage directly with all retail park tenants and this will include sharing the detailed plans as and when they become available. Highways England will support EPIC (No.2) Limited in this process. The Book of Reference has been updated to include We Buy Any Car Limited in respect of Plot 3/5a and the right to use the land at Kingston Retail Park.

	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 Response	

1.18 RR-018

PINS Ref. RR18	Relevant Representation from Environment Agency	Response from Highways England (the Applicant)
18.01	Highways England have advised that on 18 October 2018 an application (reference TR010026) for a Development Consent Order (DCO) was accepted by the Planning Inspectorate for examination. Summary These Relevant Representations contain an overview of the project issues which fall within our remit. They are given without prejudice to any future detailed representations that we may make throughout the examination process. We may also have further representations to make when supplementary information becomes available in relation to the project.	Noted.
18.02	We have reviewed the draft Development Consent Order (DCO), Environmental Statement (ES) and supporting documents submitted to the Planning Inspectorate on the 20 September 2018 as part of the above-mentioned application. We are pleased that some of the concerns and issues raised by the Environment Agency during pre-application consultation have	Noted. Response to specific concerns are detailed below.

	been considered and addressed. However, there are aspects relating to the assessment and mitigation of flood risk impacts that will require further consideration and remain of concern to us.	
18.03	If these concerns are overcome, we consider it will be necessary to include a specific Requirement within the Development Consent Order (DCO) to ensure that the final agreed flood mitigation measures will be implemented.	Noted.
18.04	We can confirm at this stage that we consider that the ES provides a satisfactory assessment of the potential impacts of the scheme with reference to water resources, groundwater and ecology. The mitigation and enhancement measures identified for the construction of the development are considered appropriate.	Noted.
18.05	Flood Risk During the consideration of alternatives Option 1 was not the preferred option for the Environment Agency, due to the high flood risk posed to the development. This is acknowledged by the applicant in section 3.3.5 of the ES.	Noted.
18.06	We continue to have concerns that this is a significant infrastructure project located in an area susceptible to flooding from several sources, including overtopping, failure or a breach of the Humber tidal or River Hull defences, as well as potentially surface water and sewer flood risk. As a result, it is important that the submission provides sufficient evidence to demonstrate that the development will be designed in a way that ensures it will be safe over its lifetime and will not	*Response to be finalised. We are in consultation with the Environment Agency with regard to this matter.* Highways England is investing to make sure all its major roads are more dependable, durable and, most importantly, safe. The A63 Castle Street Improvement, Hull is a critical part of this investment and will improve journeys through Hull and promote benefits to the local and regional economy. Paragraph 160 of the National Networks National Policy Statement states that a development must be designed in a way

	increase flood risk to others, in line with paragraph 160 of the National Policy Statement for National Networks.	that ensures it will be safe over its lifetime and will not increase flood risk to others. During the preliminary design of the Scheme and particularly the underpass, it was necessary to strike a balance between prevention of inundation of the underpass with the transfer of flood risk to other receptors in the floodplain. The design of the Scheme (as outlined in the Engineering Drawings and Sections (**Application Document Reference: TR010016/APP/2.6(A**) indicates a raised 'hump' in carriageway levels at the eastern extent of the underpass. Initial flood modelling indicated the underpass was susceptible to pluvial flooding due to overland flow from adjacent areas of land and the carriageway during 1 in 100-year plus 30% climate change pluvial events. Therefore, the road profile was raised at the underpass extents to prevent this overland flow flooding the underpass. The 'hump' therefore provides passive mitigation in order to reduce pluvial flooding of the underpass. This passive mitigation is successful in reducing pluvial flooding of the underpass during heavy rainfall but is not intended to prevent inundation of the underpass during extreme tidal or wave overtopping flood events or during extreme pluvial events in excess of the design event. The raised road profile will offer a degree of mitigation against tidal or wave overtopping events which only marginally reach the underpass and possibly delay the onset of flooding into the underpass during such an event. However, more significant events (for example the 1 in 200-year plus climate change wave overtopping flood event) would cause depths of flooding at the underpass that exceed the level of mitigation offered by the raised road profile. The additional raising of the 'humps' to provide a greater degree of protection to the underpass may act to increase the transfer of flood risk to land and properties adjacent to the underpass.

18.07	The submitted flood risk assessment (FRA) considers this development to be 'essential infrastructure'. According to the National Policy Statement for National Networks, applications proposing essential infrastructure within flood zone 3, must demonstrate that the Exception Test is passed. This includes the requirement for the development to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.	Noted. See detailed response at 18.08 below.
18.08	Our engagement throughout the consultation process and our review of the information submitted at this stage has therefore focused on: • Ensuring that there is a sound evidence base on which the risk to the underpass and wider environment can be assessed. • Requesting further information regarding any areas of increased flood risk as a result of the scheme. • Ensuring that the underpass and related infrastructure are resilient to flood risk and can be managed in such a way that road users are not put at additional risk.	Following a request from the Environment Agency during a meeting in December 2018, a timeline of the A63 Castle Street Improvement, Hull Flood Risk Assessment (FRA) and the usage of specific datasets is given below (for further detail see the Highways England Statement of Common Ground with the Environment Agency – draft issued to the Environment Agency on 5th April 2019): • January 2013: an initial meeting between Mott MacDonald Sweco JV (MMSJV), Highways England, the Environment Agency and Hull City Council to discuss the scope of the FRA • April 2013: a meeting between MMSJV and the Environment Agency to discuss the suitability of existing flood models and their potential use in the FRA • July 2013: a letter from the Environment Agency confirming acceptance in principle of the proposed FRA methodology and proposed flooding scenarios to be considered • October 2013: a meeting between MMSJV and the Environment Agency confirming a 30% allowance for climate change to be considered in the modelling and design of the

		underpass in relation to a 1 in 100-year pluvial flooding event • December 2013: a meeting between MMSJV and the Environment Agency to discuss the 5 December 2013 storm surge flooding in Hull and potential implications for the FRA • January 2014: a meeting between MMSJV, the Environment Agency and Hull City Council. The Environment Agency confirmed acceptance of the modelled impacts on flood risk subject to a model review and noted some concerns around proposed emergency procedures for the underpass • September 2014: a meeting between MMSJV and the Environment Agency concerning the flood risk assessment following design revisions. The Environment Agency A stated no objection based on the findings of the FRA and subject to the implementation of a robust emergency plan • October 2016: Prior to this, the Scheme was put on hold no work was carried out between September 2014 and October 2016. A meeting was held between MMSJV and the Environment Agency concerning required updates to the FRA and associated modelling • March 2017: a meeting between MMSJV and the Environment Agency regarding the updated climate change allowances (these were issued during the pause in the Scheme) and agreement of revised flooding scenarios to be considered in the FRA • February to April 2018: a review and agreement of the revised modelling approach by the Environment Agency

		• July 2018: Environment Agency provided comments on a draft version of the FRA including comments on the transfer of flood risk, mitigation of the Scheme and the proposed Flood Emergency and Evacuation Plan (FEEP) • August 2018: a meeting between MMSJV, Arup and the Environment Agency to discuss the FRA and flood emergency evacuation procedures. Additional requirements to be supplied to the Environment Agency were documented in Appendix 11.9 of the Environment Statement, the response to which has been provided in a Technical Note. A draft of this Technical Note was issued to the Environment Agency on 12 December 2018. • December 2018: a meeting between MMSJV, Highways England and the Environment Agency to discuss the information provided in the Technical Note and to discuss further information requirements to be raised as part of the Environment Agency Relevant Representation • January 2019: a meeting between MMSJV, Highways England and the Environment Agency to discuss data availability and additional modelling/information requirements raised as part of the Environment Agency Relevant Representation • February 2019: a meeting between MMSJV and the Environment Agency to clarify data availability for additional modelling to inform response to Environment Agency Relevant Representation • March 2019: Revised Technical Note - issued to Environment Agency containing additional information on site compound flood risk as requested in Environment Agency letter of 28 August 2018. Hull City Council provided Strategic Flood

		Risk Assessment (SFRA) model output for River Hull & Holderness Drain fluvial 2115 climate change scenarios (with tidal boundary) and Humber defence breach scenarios (with 2115 climate change allowance). The model output from the Environment Agency's Hull Humber Frontages flood defence project was also provided to inform the evidence base. • April 2019: Meetings and correspondence to discuss responses to the Environment Agency's Relevant Representation. Below provides a summary of the relevant hydrological and hydraulic modelling information used as part of the FRA (**Application document reference TR010016/APP/6.3 Volume 3 Appendix 11.2**). For further details see the Flood risk modelling technical report (**Application document reference TR010016/APP/6.3 Volume 3 Appendix 11.3**): • Inputs for wave overtopping and tidal flooding from the Humber Estuary were derived from the Humber Estuary 2014 Interim Water Level Profile. These were based on wave overtopping hydrographs and undefended Humber level time series supplied by the Environment Agency in November 2016. These data include consideration of both the December 2013 tidal surge and the upgrades to the Albert Dock defences which were constructed in 2015. • Defence overtopping hydrographs from the River Hull (assuming the Hull Tidal Surge Barrier fails to close) were provided by the Environment Agency in November 2016. These were extracted from the River Hull & Holderness Drain Flood Mapping Study (2013). The Environment Agency highlighted that the River Hull & Holderness Drain Flood Mapping Study (2013) was updated to

		include repaired breaches as part of the 2015 River Hull Modelling Project Appraisal Report which was in turn used as part of Hull City Council's Strategic Flood Risk Assessment in 2016. This updated information was not used as part of the A63 Castle Street Improvement, Hull FRA as this was not available from the Environment Agency when requested in January 2017. The date at which a freeze of supplied information to be used as part of the modelling was taken was November 2016 based on the above. All efforts were made to ensure that the most up-to-date modelling information and outputs were used at the time they were available, this was done in close consultation with the Environment Agency. Given the timeline outlined above and data availability, the assessment of flood risk and associated hydraulic modelling does not take into account any of the proposed upgrades to the Humber Hull Frontage defences.
18.09	We have engaged with Highways England's consultants on many occasions to discuss flood risk in particular. However, there are still some matters relating flood risk that will require further consideration or clarification.	Noted.
18.10	Climate Change We consider that climate change allowances should be revisited to ensure that a suitable and up to date evidence base is used in determining whether the development will be safe for its lifetime and to inform detailed design of the project. The following issues will need to be addressed: • The north east allowance has been used, instead of the east allowance	Noted. Responses to specific climate change queries are detailed below 18.11 to 18.14.

	• The allowances need updating to reflect UKCP18, which has recently been published • The H++ scenario should be considered • The lifetime of the development needs to be clarified	
18.11	Within the submitted modelling report (Appendix 11.3 of the ES) Table 3.5 (page 28) incorrectly uses the north east of England allowance from the climate change allowances published in 2016, stating a cumulative rise from 1990 to 2115 of 0.99m. The report therefore finds the peak water level rise figure of 1.125m to be a conservative figure. However, the Humber area actually falls under the east of England, where the cumulative rise 1990 to 2115 is 1.21m.	This was a typographical error in the Flood Risk Assessment (FRA) (**Application document reference TR010016/APP/6.3 Volume 3 Appendix 11.2**) and associated reports. The 'east of England' allowances were correctly used and were based on datasets provided as outputs from Environment Agency modelling data. The discrepancy in cumulative sea level rises is due to a difference in baseline date. The Environment Agency quote a baseline date of 1990 whereas the supplied data and FRA use a baseline date of 2010 upon which the latest information (known as the 2014 Interim Water Level Profile) was based.
18.12	In addition to this, since the modelling for this project was undertaken, the UK Climate Projections 18 (UKCP18) have been released. The new guidance that has been released suggests that those proposing new infrastructure projects with a lifetime of at least 100 years should assess the impact of both the current allowance in 'Flood risk assessments: climate change allowances' and the 95th percentile of UKCP18 'RCP 8.5' scenario (high emissions scenario) standard method sea level rise projections of UKCP18. The sea level rise allowances beyond 2100 should be found by extrapolating the UKCP18 dataset.	On agreement with the Environment Agency in a meeting held on 30 January 2019 that, in the absence of any updated information being available from the Environment Agency, that a qualitative analysis of UKCP18 climate change effects would be carried out. In the absence of additional data from the Environment Agency, no new modelling was undertaken to assess UKCP18 climate change effects. The qualitative review of UKCP18 effects is given below. The lifetime of the development is 60 years as confirmed in Section 2.10 of the Environmental Statement (ES) (**Application reference TR010016/APP/6.1 Volume 1 Environmental Statement**). With a proposed completion date of 2025, the end of the Scheme lifetime would be 2085. The Environment Agency requested a consideration of the revised UKCP18 allowances for the effects of climate change

on sea level rise. Table 1 confirms sea level rises (to 2085 and 2115 from a baseline date of 2010) for both the UKCP18 and UKCP09 climate change scenarios.

The UKCP18 RCP 8.5 50th percentile is relatively similar to the 2016 Environment Agency allowances which are based on UKCP09 with a 0.08m difference in the allowances. As such, the overall impacts to and from the Scheme during a 1 in 200 year plus climate change Humber wave overtopping flood event are expected to be broadly comparable between the modelled impacts based on UKCP09 allowances and the UKCP18 allowances.

It was not possible as part of the FRA (**Application reference TR010016/APP/6.3 Volume 3 Appendix 11.2**), to incorporate the revised UKCP18 allowances due the reliance on third party model data to act as model inputs. These scenarios were not available from the Environment Agency for use as part of the FRA.

Table 1: Sea level rise climate change allowances

Climate change scenario	**Mean sea level rise due to climate change from 2010 to 2085 and 2115 (m)**
Environment Agency 2016 allowances: east, east midlands, London, south east (UKCP09) to **2085**	0.68
Environment Agency 2016 allowances: east, east midlands, London, south east (UKCP09) to **2115**	1.13
UKCP18 Scenario RCP 2.6 50th percentile to **2085**	0.37

		UKCP18 Scenario RCP 2.6 50th percentile to **2115**	0.49
		UKCP18 Scenario RCP 2.6 95th percentile to **2085**	0.57
		UKCP18 Scenario RCP 2.6 95th percentile to **2115**	0.81
		UKCP18 Scenario RCP 4.5 50th percentile to **2085**	0.45
		UKCP18 Scenario RCP 4.5 50th percentile to **2115**	0.62
		UKCP18 Scenario RCP 4.5 95th percentile to **2085**	0.66
		UKCP18 Scenario RCP 4.5 95th percentile to **2115**	0.98
		UKCP18 Scenario RCP 8.5 50th percentile to **2085**	0.60
		UKCP18 Scenario RCP 8.5 50th percentile to **2115**	0.93
		UKCP18 Scenario RCP 8.5 95th percentile to **2085**	0.87
		UKCP18 Scenario RCP 8.5 95th percentile to **2115**	1.39
18.13	The H++ allowances apply when assessing flood risk for developments that are very sensitive to flood risk and with lifetimes beyond the end of the century, for example, infrastructure projects or	The Environment Agency requested a consideration of the H++ allowances for the effects of climate change on sea level rise. Table 2 below confirms sea level rises (to 2085 from a baseline date of 2014) for the H++ climate change scenario. The below climate change allowances are based on a	

	developments that significantly change existing settlement patterns. Due to the nature of this proposal, we therefore also suggest that the H++ scenario is assessed, as set out in the guidance. This scenario will be useful to establish if there are any cliff edge effects, where the management of the infrastructure may need to change, or a managed adaptive approach be put in place. This is needed in order for us to ensure that this infrastructure will be safe for its lifetime, which is a key part of passing the Exception Test.	baseline date of 2014 which is the baseline date for the Environment Agency's 2014 Interim Water Level Profile. The H++ mean sea level rise allowance is considerably greater than the 2016 (UKCP09) allowance as these are designed to test the sensitivity to the unlikely, although feasible, extreme changes in sea level rise. In order to carry out this additional modelling, a key simplifying assumption was made. The water level time series from the Environment Agency's 1 in 200 year including climate change undefended scenario has been adjusted to represent H++ conditions. This adjusted level profile will include the effects of high-water levels only and will not account for any additional effects of wave overtopping associated with the H++ scenario. Maps have been produced showing maximum modelled flood depths and flood hazard rating for Scheme under the H++ climate change scenario (to 2085 and 2115). The modelling results indicate that the extent and depth of flooding are generally similar in extent to the 1 in 200 year plus climate change undefended flood extents. The change in maximum flood depth as a result of the Scheme shows large areas to the north, west and south west as benefitting from reduced flood depths (of between 0.05 to 0.30m reduction) and some more isolated areas at increased risk (with depths increased between 0.05 and 0.10m).Flood hazard maps indicate that areas of significant hazard would be present around the underpass and existing docks. However, the pattern and extent of flood hazard is also similar to the 1 in 200 year plus climate change undefended scenario. **Table 2: Sea level rise climate change allowances** **Climate change scenario** | **Mean sea level rise due to climate change**

				from 2010 to 2085 (m)
			Environment Agency 2016 allowances: east, east midlands, London, south east (UKCP09) to **2085**	0.68
			Environment Agency 2016 allowances: east, east midlands, London, south east (UKCP09) to **2115**	1.13
			Environment Agency H++ allowance (UKCP09) to **2085**	1.24
			Environment Agency H++ allowance (UKCP09) to **2115**	2.23
18.14	It is not clear what the lifetime of this scheme is. The construction section (2.10.4, page 71) of the ES suggests it is 60 years. However, the modelling report has worked to the year 2115. In a recent meeting with Highways England and their consultants, it was suggested that the lifetime of the development may be 120 years. This will need to be clarified.	The lifetime of the development is 60 years as confirmed in Section 2.10 of Volume 1 of the A63 Castle Street Improvement, Hull ES (**Application reference TR010016/APP/6.1 Volume 1 Environmental Statement**). With a proposed completion date of 2025, the end of the Scheme lifetime would be 2085. The modelling undertaken as part of the FRA (**Application reference TR010016/APP/6.3 Volume 3 Appendix 11.2)** relies on output from other Environment Agency models to consider the impacts of tidal flooding from the Humber and tidal and fluvial flooding from the River Hull, for example. The Environment Agency's model output defines the model scenarios which were considered in the FRA and agreed with the Environment Agency at the time. Where climate change is incorporated into the model output, the allowance included is up		

		to 2115 in line with the current guidance[2]. This is beyond the Design Year of the Scheme. However, given that decommissioning of the Scheme is neither desirable or feasible, then it is considered appropriate and precautionary to consider up to 2115.
18.15	Evidence Base This forms a key piece of evidence to help us understand what the potential flood risk is to the development over its lifetime, as well as what effect the development could have on surrounding areas. We have previously reviewed the modelling undertaken by Sweco and the associated modelling report and worked with them to ensure that the methodology was satisfactory. However, since this review, other information has become available that may allow the baseline data to be improved. Further consideration should be given to including the following data within the FRA:	Noted. See detailed response at 18.08.
18.16	• The 'River Hull and Holderness Drain Flood Mapping Study' referred to in Table 2.1 of the modelling report has since been re-run to show repaired breaches, as part of the 2015 River Hull Modelling Project Appraisal Report and was used within Hull City Council's updated Strategic Flood Risk Assessment (SFRA) in 2016. During previous consultations we have highlighted the publication of Hull City Council's latest SFRA and recommended the use of this within the evidence base and FRA. While this has now been referenced within the table of data sources in Table 2.1, we are	Noted. See detailed response at 18.08.

[2] https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances

	unable to find details of its use within the report.	
18.17	• The modelling report does not clarify whether the assessment has included a breach of the flood defences. In this scenario, we may not be able to guarantee a warning and water could reach the site very quickly. This scenario must be explored, so that there is understanding of the risks posed to people and property in the event that flood waters are fast and hazardous and where there may be little or no warning. Sections 10.3.24 and 10.7.6 of the FRA (Appendix 11.2 of the ES) reference defence breaches in relation to the SFRA, but, as noted above, it is not clear how this information has been used. The FRA should also seek to determine whether the impact of a breach with the development in place would be any worse than the current scenario. Consideration can then be given to how this can be mitigated / managed.	Breaching of a flood defence occurs when a flood defence fails if the water level in the watercourse is above the ground level behind the flood defence. Breach flooding only occurs for waterbodies with water levels above surrounding ground level, these are the River Hull and the Humber. The probability that a defence breaches is dependent on the type of defence, its structural condition and the water level. The Hull City Council SFRA includes a consideration of flood risk as a result of breaches of existing flood defences along the north bank of the Humber Estuary as well as defences along the banks of the River Hull. Maps provided as part of the SFRA indicate the area of the proposed underpass would be flooded to depths of between <0.15m to 0.60m as a result of breaches from a 1 in 100-year fluvial (River Hull) and a 1 in 200-year (Humber Estuary) flood events. Flood velocities during such an event would generally be within the range of 0.30 to 1.0m/s with small isolated areas where velocity is in excess of 1.0m/s. flood hazard ratings during a defence breach at the underpass would generally be low to moderate with some areas of significant hazard. The Humber Hull Frontages defence scheme proposed by the Environment Agency will reduce the overall risk of flooding to Hull and the A63 Castle Street Improvement, Hull, but they will not completely remove the risk of a breach. A breach flood event may proceed with very little or no warning available. As such, closure and evacuation of the underpass would proceed as per Section 3 of the Flood Emergency and Evacuation Plan (FEEP) (**Application document reference TR010016/APP/6.3 Appendix 11.2 Appendix B**). Additional modelling was carried out using breach information (in the form of breach inflow hydrographs) based on modelling carried out for the Hull City Council SFRA.

		This additional modelling included four breach locations within the FRA study area and represented breaches of the existing north bank Humber defences during a 1 in 200 year plus climate change (UKCP09) event. No consideration has been given to breaches of the proposed Humber Hull Frontages defences due to a lack of available data. The results of the additional breach modelling indicate significant inundation of most of Hull (similar to undefended scenario flooding) with the area of the Scheme showing as flooding to depths of up to 1.20m. This is associated with areas of "danger to most" flood hazard rating around the Scheme and areas of "danger to all" within the underpass. The FEEP (**Application document reference TR010016/APP/6.3 Appendix 11.2 Appendix B)** attempts to address all scenarios that could arise. In the event of a flood defence breach or when no Flood Warnings have been issued, there are alternative measures proposed to respond to such a scenario. It is reasonable to assume that in the event of a defence breach, there would be other warning signs (such as issue of Flood Alert or notable presence of high levels within the Humber Estuary) that would be sufficient to trigger a response under the Flood Emergency and Evacuation Plan. This would be equivalent to the Level 1 (Flood Alert) response outlined in the FEEP. Part of this response would be to place personnel and assets (including pumps) on standby close to the underpass who would then be able to more rapidly respond to a flood resulting from a breach of the defences.
18.18	Section 10.3.19 of the FRA suggests that the underpass would start to flood 2.5-3 hours after overtopping of the tidal defences begins at Albert Dock. We suggest this is compared to	Following a request from the Environment Agency at a meeting in December 2018, below is a review and confirmation of the lead times from initial defence overtopping to the start of flooding at the proposed underpass (Table 3).

	the flood within the tidal surge of 2013, which appeared to occur much more quickly. It should also be noted that should the defences breach, inundation could be much more rapid and this has not been considered within the FRA.	These times would represent the lead-in and warning time should a flood event occur without any prior warning from the Environment Agency. The outlines the use of technologies including CCTV and water level sensors within the underpass and the use of electronic closure and diversion signs which would be used in the case of a no warning or short warning of potential underpass flooding. More detail is available in the FRA and the FEEP (**Application document reference TR010016/APP/6.3 Appendix 11.2**). Reports from the public and other stakeholders following the December 2013 tidal surge flood event suggest inundations times to flooding of properties of just several (perhaps less than 10) minutes following the onset of flooding and wave overtopping. However, it is not clear where (in relation to the Scheme or the Humber north bank) that these inundation times were reported from. Given the disparity between modelled inundation times and those reported above, it is likely that the rapidly inundated locations are situated closer to the Humber bank i.e. south of the Scheme. Furthermore, the flooding in December 2013 took place prior to the upgraded defences at Albert Dock in 2015. The construction of these upgrades caused a shift in the main flooding source to the Scheme to go from the south (at Albert Dock) to include more contribution of flooding from further east towards the River Hull confluence. This additional pathway is located further away from the Scheme and so may, in part, explain the difference in inundation times. Additionally, during the December 2013 tidal surge flood event, the operators of Albert Dock were unable to safely close the dock gates and the docks would have been inundated earlier during the flood event (due to rising tides and the surge) and as such, a substantial volume of potential 'flood storage' was already filled with water prior to defence overtopping. Since the 2013 event, more robust solutions and

procedures for closure of the dock gates have been adopted and the modelling has assumed the gates would be closed and that some volume of 'storage' would be available during the early stages of a wave overtopping flood event. This mechanism may act to delay the propagation of flood waters north away from Albert Dock and may also, in part, explain the difference in flood inundation times.

The FEEP attempts to address all scenarios that could arise. In the event of a flood defence breach or when no Flood Warnings have been issued, there are alternative measures proposed to respond to such a scenario.

It is reasonable to assume that in the event of a defence breach, there would be other warning signs (such as issue of Flood Alert or notable presence of high levels within the Humber Estuary) that would be sufficient to trigger a response under the FEEP. This would be equivalent to the Level 1 (Flood Alert) response outlined in the FEEP. Part of this response would be to place personnel and assets (including pumps) on standby close to the underpass who would then be able to more rapidly respond to a flood resulting from a breach of the defences or where there was a failure to issue a Flood Warning.

Table 3: Times from initial flooding to underpass inundation

Flooding scenario	**Underpass inundation time**
Humber defended wave overtopping 1 in 200 years	1hr 48min
Humber defended wave overtopping 1 in 1000 years	1hr 30min
Humber defended wave overtopping 1	1hr 15min

		in 200 years plus climate change	
		Humber undefended tidal flooding 1 in 200 years	1hr 45min
		Humber undefended tidal flooding 1 in 200 years plus climate change	1hr 42min
		River Hull tidal flooding (barrier open) 1 in 200 years	1hr 21min
		River Hull tidal flooding (barrier open) 1 in 1000 years	1hr 09min
		Hull City Council SFRA Humber defence breach 1 in 200 years plus climate change (worst-case breach location)	0hr 57min
18.19	Yorkshire Water have also carried out some modelling work in relation to their PR19 submission, to show surface water and sewer flooding combined; this may be useful for the assessment of risk.	Response to be finalised – MMSJV has requested that Yorkshire Water provide output of the sewer and surface water flood risk in the FRA (**Application document reference TR010016/APP/6.3 Appendix 11.2)** study area.	
18.20	Offsite Flood Risk Throughout earlier consultation with the applicant, we have requested additional information on any offsite increases in flood risk that may occur as a result of the scheme. To this end, Appendix A of the submitted FRA includes figures 14.1 to 14.63 to demonstrate where the depths and hazard to people increases and decreases across a number	Additional information on offsite flood risk was provided in the revised Technical Note issued on 04 March 2019 (see Appendix B accompanying document). Data provided in this technical note include map plans showing changes in maximum flood extents, changes in flood hazard rating and proportional changes in maximum flooded depths. It is recommended that this technical note be read in conjunction with the further detailed responses below.	

	of scenarios, once the scheme is in place.	The Environment Agency requested an analysis of whether the Scheme either increased flood levels over or decreased flood levels under assumed property threshold levels of 150mm and 300mm above ground level. These assumptions for property threshold levels were made in agreement with the Environment Agency due to the absence of surveyed threshold levels for properties in Hull. The results of the analysis show that for the River Hull tidal flooding scenarios (both 1 in 200 and 1 in 1000-year return period events) that a number of properties to the west of the proposed underpass particularly around Humber Street, King Street, Princes Quay and Humber Dock would be subject to additional flooding above threshold level. The results show no change in property flooding for a Humber wave overtopping event of 1 in 200 years plus an allowance for climate change. However, for the 1 in 200 and 1 in 1000-year Humber wave overtopping events, there is greater variability in the number of properties flooding to depths greater or lesser than property thresholds as a result of the Scheme. For the 1000-year event, a number of properties or buildings to the east of the underpass around Humber Dock Street, Princes Dock Street and Alfred Gelder Street are flooded to depths in excess of threshold levels whereas a number of properties around Carr Lane and South Street are no longer flooded above threshold levels as a result of the Scheme. For the 200-year event, the number of properties flooding above threshold level is greater although the general areas remain as per the 1000-year event (east of Princes Dock) although there are no properties highlighted as being removed from flooding above threshold levels. For the 1 in 200-year plus climate change undefended tidal flooding scenarios, the results indicate a large number of properties as being removed from the risk of flooding above threshold level. These properties are all shown as being to the north or west of the proposed underpass.

		For the 1 in 200-year undefended tidal flooding scenario, the results indicate a number of properties to the east (around Humber Dock Street, Alfred Gelder Street and High Street) as being at new risk of flooding above threshold levels. A number of properties around Carr Lane are highlighted as being removed from risk of flooding from depths above threshold levels.
18.21	Some areas at risk from increased depths include both existing development and areas that are allocated for development within Hull City Council's adopted Local Plan, which are considered to key city centre development sites. We do not consider that sufficient consideration has been given to the impacts that this increased risk could have on the ability of Hull City Council to deliver their housing requirements if the flood risk to some of these sites is increased such that it affects their viability or deliverability, or the impacts to existing properties, which may flood to greater depths or be subjected to greater hazards as a result. We consider that more could be done to address this issue. Reduction of flood risk in some areas is not sufficient justification to allow increases in others.	Additional information on offsite flood risk was provided in the revised Technical Note issued on 04 March 2019 (see Appendix B accompanying document). Data provided in this technical note include map plans showing changes in maximum flood extents, changes in flood hazard rating and proportional changes in maximum flooded depths. It is recommended that the technical note be read in conjunction with the further detailed responses below. The Environment Agency requested an analysis of the effects of the Scheme on modelled flood depths at sites that have been allocated for future development by Hull City Council. The results of the analysis indicate that changes in flood depth are generally marginal (<0.05m) at all allocated development sites except those listed below. In addition, several of the allocated development sites show a marginal decrease in flood depth as a result of the Scheme. Generally, the increase in depths at the allocated development sites are within the range of 0.05 to 0.11m. However, a number of sites have increased depths greater than 0.11m depending on the return period and source of flooding. These sites are 7, 9, 18, 22, 23, 29 and 35. It is worth noting that the worst-case depth increases appear to be during a 1 in 200-year wave overtopping event from the River Humber. The proposed Humber Hull Frontages defence upgrades would protect Hull from such an event and therefore, if the scheme were to be constructed, there

		would be no impact (excluding breach scenarios) up to 2040.
18.22	Evacuation Plan We are pleased that detailed discussions have taken place with emergency services etc., on the content within the evacuation plan (Appendix B of the FRA) and the procedures that will be implemented on receipt of a flood alert or warning from the Environment Agency. However, the plan very much focuses on actions to be implemented on receipt of an alert or warning. While we endeavour to provide warnings wherever possible, there is still the potential to have a scenario in which we are not able to provide a warning for a breach in the defences. Consideration should be given to how quickly water could reach the site in this scenario and how this can be managed.	A detailed response on flood inundation times was provided in response to 18.18. The FEEP (**Application document reference TR010016/APP/6.3 Appendix 11.2 Appendix B**) outlines a number of technological solutions that will be implemented within the Scheme which will aid in monitoring and closure of the underpass during a flood event, particularly one which occurs without warning. The response to 18.18 confirms that the lead-in time from initial overtopping of defences to inundation of the underpass would be just under 1 hour in the worst-case event of flooding from a defence breach of the River Humber. This is further supported by the Section 19 Flood Investigation Report for the December 2013 surge event. This report states that the complexity of the tidal flooding situation meant that final flood warnings were only issued shortly before the actual onset of flooding. The technological solutions described in the FEEP include: • CCTV monitoring to give a full view of the underpass • Above lane mounted LED signals at underpass entrance to show the underpass as closed • Variable Message Signs (VMS) on approaches to the underpass to advise road users of closure and to redirect them via alternative routes • Dedicated precipitation and water level sensors installed within the underpass to raise an alarm if unforeseen flooding occurs As stated within Section 3 of the FEEP, the water and rainfall sensors are not considered to be preventative but rather are reactionary measures that would come into place in the event all other warning measures did not happen.

		During a no warning flood event, the sensors, CCTV and electronic message signs will allow the underpass to be controlled and closed remotely from the Highways England Regional Control Centre whilst the procedures to enact a physical road closure are put in place. Fixed closure barriers, i.e. raising bollards or similar solutions, have been discounted for the following reasons: • It will be too complex to provide automated, or fixed closure barriers on the proposed Scheme due to the constraints imposed by the Scheme such as available space and poor geotechnical conditions • The maintenance of such barriers will impose disproportionate conditions on the existing area maintenance contractor • It will severely impact the flow of traffic when maintenance operations need to be performed • The additional maintenance requirements will put the area maintenance contractor at risk on a more regular basis • Automated or fixed closure barriers will impose a safety risk for drivers, In the event that the barriers are activated without adequate warning systems in place. The complexity of the hazard it introduces exceeds the value that it could have • Agreed closure procedures in the event of emergencies have been agreed with the area maintenance contractor as well as all associated emergency services as part of the FEEP report • The cost of incorporating such technology would make the scheme unaffordable. The proposed FEEP attempts to address all scenarios that could arise. In the event when no flood warnings have been sent out as part of the Enviroment Agency flood

		warning system, there are alternative measures in place to respond to such a scenario. It is reasonable to assume that in the event of a defence breach, there would be sufficient warning signs in advance to mobilise or enact the necessary response procedures for a Level 3 Severe Flood Warning. One hour should be sufficient time to mobilise the VMS on the network and get the area maintenance contractor in place to close the network. However, further consultation is required during the detailed design to ensure that any and all procedures that are put in place do not unnecessarily put any of the area maintenance contractors at risk. It is recognised that the technological solutions outlined above will need to be resilient and remain operational during a severe flood event. Precise arrangements for resilience and standards of protection will be agreed with the Environment Agency and finalised during the detailed design phase.
18.23	Options for technology to monitor the underpass for flood risk are also being considered. While the exact approach has not yet been confirmed, it is likely to be an alarm system triggered by water level, which would allow staff to view the location using CCTV and take appropriate action. While CCTV and water level triggers might be suitable as a back-up, by the time these are of use, road users would already be risk from rising flood waters.	Noted. See response to 18.22.
18.24	The underpass is likely to be in place for a long time and therefore this emergency evacuation plan must be well thought through, as it will be of increasing importance over the development's lifetime. It is concerning that the development relies so heavily on emergency planning to manage	Noted. See response to 18.06 and 18.22.

	these risks. Ideally, we would have liked the development to be better designed to prevent water entering the underpass, rather than relying on emergency planning procedures and focusing the recovery of development after the event.	
18.25	We understand that on receipt of a flood warning by the Highways regional control centre, road users will be directed away from the underpass by Variable Message Signs, providing information on traffic conditions, diversions and closure of the underpass. It would be useful to understand whether the diversion routes that road users will be expected to be used in a flood event will be put at increased risk as a result of the scheme. Road users should not be directed to an area which is at greater risk than they would be at currently.	The FEEP (**Application document reference TR010016/APP/6.3 Appendix 11.2 Appendix B**) refers to the use of strategic diversion routes to re-direct traffic away from the proposed underpass during a significant flood event. Further to a meeting with the Environment Agency in December 2018, a review of the impact of the Scheme on flood hazard rating along these diversion routes has been undertaken. Plans for routes showing the changes in flood hazard rating as a result of the scheme as well as the strategic diversion routes display routes leave the A63 to the east of Hull and follow the A1105 west towards the A1079 Ferensway north of the proposed underpass. The diversion then follows the A165 east before turning south along the A1033 and re-joining the A63 at the Mount Pleasant North roundabout, east of the River Hull. A number of other smaller roads link the A63 with the main diversion routes along the A1105. Findings indicate that the strategic diversion routes are all located within areas where the flood hazard rating is either unchanged or reduced as a result of the Scheme. This confirms that the Scheme will not pose additional risk to pedestrians or vehicles using the strategic diversion routes during an extreme flood event.
18.26	On receipt of a flood warning, it is proposed to use some form of physical barrier to prevent vehicles entering the underpass. The evacuation plan suggests that police cars could be used to block the entrance/exit of the underpass for this purpose. However, a car	Noted, see response to 18.22. The use of fixed barriers or raising bollards within the mainline carriageway of the A63 for the purposes of physical road closure were discounted based on safety and maintenance grounds.

	can float in 500mm of stationary water. Even if the car is placed at the top of the ramp, it could be subject to fast flowing water and could pose an additional risk if it is moved by the water. We recommend consideration of a fixed barrier to prevent such an occurrence.	
18.27	Recovery The evacuation plan refers to the deployment of a Highways England high volume pump on receipt of a severe flood warning. We are not clear whether this is proposed to remove water from the underpass after a flood event, or whether it will be used to prevent water levels rising during the event. If water is to be removed by high volume pumps during the event, it is not clear where this water will be pumped to. If this is in combination with a pluvial event, discharging to a sewer may not be possible. In addition, care must be taken that no persons are put at risk in deploying the pump.	The FRA and FEEP (**Application document reference TR010016/APP/6.3 Appendix 11.2 Appendix B**) outline the use of high-volume pumps which are owned by Highways England. The intention in the FEEP is to deploy these pumps to Hull on receipt of a flood warning. The additional pumps would then be used in conjunction with the underpass pumping station to drain the underpass during the recovery phase after the flood event has passed. These pumps are not intended to keep the underpass free of inundation during the flood event itself. The Environment Agency also operate a number of high capacity pumps which would potentially be available to aid in recovery and drainage of the underpass following a flood. However, the precise details in terms of numbers, locations and capacities of these pumps was not available. Furthermore, the Environment Agency may require the pumps to aid in flood response/recovery elsewhere and so their availability for the underpass would not be guaranteed. The exact details of where the HE pumps will discharge the underpass water still needs to be clarified during the detailed design stage. However, during a meeting on 15 June 2018, the Highways England Regional Control Centre Planning Manager indicated that it would take approximately 3 – 4 hours for this pump to arrive in Hull ((**Application document reference TR010016/APP/6.3 Appendix 11.2 Appendix B**). In addition, an agreed location for the disposal of surface water will need to be established during the detailed design

		stage. The consensus at the above meeting was that the existing sewer network may not be able to cope with the water as it is likely it will be inundated during a large tidal event. The high-volume pump has 3km of discharge pipes and would therefore be capable of pumping from the underpass directly to the Humber Estuary during such an event. Final arrangements for the disposal of temporary pumped water from underpass drainage will be agreed in consultation with the Environment Agency during the detailed design phase. This is likely to include requirements for the precise location of the temporary outfall to the Humber Estuary, requirements for scour protection and permitting arrangements to cover the above.
18.28	Risk to Surface Water Pump Section 2.6.30 of the FRA states that a water storage and pumping station structure would be required to collect the drainage of the underpass and pump it away for discharge. Drawing no. TR010016/APP/2.6(M) Rev 0 shows the proposed pumping station receptor, located to the south east of the proposed Mytongate Bridge. However, we have been unable to find any detailed plans or information relating to the control room, generator room and sub-station. Without this, we are unable to determine whether the pumping station is sufficiently resilient to flooding, to allow continued operation in a flood event. Details on the level of operating equipment above ground should be included within the FRA.	The proposed surface water pumping station plays a key role in both maintaining the routine drainage of the underpass and in post-flood recovery where it will assist in the drainage of the underpass following inundation during an extreme tidal flood event. Given this key role and the location of the underpass (in Flood Zone 3 adjacent to the underpass), the pumping station building, infrastructure and associated mechanical and electrical equipment must be designed to be resilient to flooding and to remain operational during and following a significant flood event. A pumping station flood resilience Technical Note is provided in Appendix A accompanying document. This Technical Note outlines the design philosophy of the pumping station in terms of flood resilience and highlights that specific details in terms of pump, kiosk, equipment and control panel levels, as well as specific building resilience measures will be confirmed during detailed design. It is the intention that these specific requirements will be developed in consultation with the Environment Agency. The resilience measures include a standby generator with sufficient fuel supply for 48 hours continuous pumping operation to

		ensure the pumps can remain operational in the event of a grid power failure. The fuel would be stored in a double skinned below ground storage tank, provisional estimates suggest a fuel volume of 2400 litres would be required. The pumping station and associated equipment will be designed to be adaptable to climate change. However, the flood levels (~7mAOD) associated with the 1 in 200 year plus climate change flood event (the minimum target of protection suggested by the Environment Agency) are much greater than the height of the proposed pumping station kiosk. Consultation is ongoing with the Environment Agency to agree requirements, in particular surrounding the standard of protection / resilience for the pumping station.
18.29	Section 2.6.70 of the ES states that it is proposed to discharge surface water directly to the existing Yorkshire Water sewer. However, if consent is not granted, the outfall would discharge to the River Humber through an existing sheet piled wall. If the latter was considered to be likely, we would want to discuss this further and a flood risk activity permit is likely to be required.	Noted. Yorkshire Water has confirmed (YW ref: R820992, letter undated) that they have no objection to the underpass drainage discharging to the public combined sewer.
18.30	Construction Phase Annex B of the Outline Environmental Management Plan (OEMP) considers the requirement for obtaining a permit and how the site will respond to a flood during construction. Consideration should be given to how any diversion routes would operate in the event of a flood, taking account of any changes to flood risk as a result of the works.	Additional information on flood risk to and from temporary construction compounds was provided in the revised Additional Flood Risk Information Technical Note issued on 04 March 2019 (see Appendix B accompanying document). Further information is also provided in the Outline Environmental Management Plan **(Application document reference TR010016/APP/7.3)**. The majority of the temporary traffic management measures are restricted to the main A63 corridor and the immediate surrounding roads and junctions. As such, there will be areas of increased and

		decreased flood hazard in the road works. The extent and spatial pattern of the change in flood risk and hazard will be dependent on the severity of flooding, the source of flooding and the construction phasing of the Scheme. It is recommended that if the temporary traffic management areas or local diversion routes are flooded, traffic should be diverted away from these areas using the strategic diversion routes, as outlined in the FEEP (**Application document reference TR010016/APP/6.3 Appendix 11.2 Appendix B)**.
18.31	Hull Humber Frontages Scheme The Environment Agency is proposing to invest approximately £100M to improve flood risk in the city, including area around the A63. This includes improvements to significant lengths of River Hull defences and various sections of the Humber frontage through the city. The Humber works are being done to sustain the standard of protect until 2040 when it is anticipated that further works may be required. The Environment Agency is currently seeking contributions towards its existing and future capital programme, so that it is more likely that a good level of flood risk for existing and future developments can be provided.	Given the timeline of the FRA (**Application document reference TR010016/APP/6.3 Appendix 11.2)** outlined in 18.08 and data availability, the assessment of flood risk and associated hydraulic modelling does not take into account any of the proposed upgrades to the Humber Hull Frontage defences.
18.32	As the frontages scheme does not yet have planning permission, pending approval by the Secretary of State for Secretary of State for Housing, Communities and Local Government, the modelling undertaken by the applicant does not take these defence improvements into account, so flood risk impacts should be reduced from that currently assessed if the defence works do go ahead. However, it should be	Noted, see response to 18.31. The Humber Hull Frontages defence scheme proposed by the Environment Agency will reduce the overall risk of flooding to Hull and the A63 Castle Street Improvement, Hull, but they will not completely remove the risk of a breach. A breach flood event may proceed with very little or no warning available. As such, closure and evacuation of the underpass would proceed as per Section 3 of the FEEP (**Application document reference**

	noted that, while these improvements will reduce the risk of flooding, they cannot completely remove the risk of a breach.	**TR010016/APP/6.3 Appendix 11.2 Appendix B**). Additional modelling of existing defence breaches was undertaken (see response to 18.17). However, no data was available from the Environment Agency that would enable an assessment of potential breaches of the proposed Humber Hull Frontages defences.
18.33	These matters relating to flood risk were raised at a recent meeting with Highways England and Sweco on 18 December 2018. We understand that the applicant is currently working on a flood risk technical note to address the issues raised in this letter.	Our response to the matters raised are included herein this document. A revised Technical Note was issued to the Environment Agency on 4 March 2019 which responds to queries raised by the Environment Agency in August 2018 and summarised at ES Volume 3 Appendix 11.9 (**Application document reference TR010016/APP/6.3 Appendix 11.5 to 11.9**), see Appendix B accompanying document.
18.34	Draft Development Consent Order We note that there is currently no requirement relating to flood risk within the Draft DCO. As a result, we fail to see how any of the mitigation measures and evacuation procedures are to be secured. We suggest that an additional requirement will be needed to address this, once the flood risk measures are agreed.	Noted. Response to be drafted.
18.35	Groundwater Protection The Environment Agency has defined Source Protection Zones for groundwater sources which are used for public drinking water. The proposed development lies within source protection zone 3 (total catchment) for several public water sources to the north of Hull. This has been identified in Appendix 11.4 of the Environmental Statement. These abstractions should be protected by means of appropriate	Noted.

	mitigation measures during the development.	
18.36	The recommendations in Appendix 11.4, including the provision and implementation of a groundwater monitoring and sampling plan, are appropriate. There is a detailed and appropriate assessment in this document, supported by the modelling work	Noted.
18.37	We welcome the inclusion of Requirement 4 – Construction and Handover Environmental Management Plan and also Requirement 6 - Contaminated land and groundwater, of the draft DCO, to manage unexpected land and water contamination. There are no other specific requirements relating to groundwater protection within the draft DCO. However, as the requirement for a groundwater monitoring plan is included within the OEMP, we consider that Requirement 4 should ensure that this measure is secured, as the CEMP should be in accordance with the OEMP.	Noted.
18.38	We note that within paragraph 17 (Part 4; Supplementary Powers) of the draft DCO, any discharges of groundwater may be saline and arrangements for discharge should be made accordingly.	Noted.
18.39	Ecology and Nature Conservation We agree that the mitigation measures detailed within the ES are adequate, particularly in section 10.7.35. However, care must taken with any hoardings – they can be susceptible to falling down during high winds, which can in itself cause disturbance to wildlife.	Noted.

18.40	We consider that it would be useful to define the bird nesting season within the OEMP, as 1st March until 30th August.	Requirements for the contractor to consider bird nesting season will be advised accordingly on handover of the OEMP **(Application document reference TR010016/APP/7.3)** and the Register of Environmental Actions and Commitments (REAC) **(Application document reference TR010016/APP/6.11)**. Generally, the bird nesting season is between March and August, but this can change depending on weather. The OEMP and REAC will include advice for any contractor to have an Ecological Clerk of Works check prior to any works commencing.
18.41	We welcome the inclusion of Requirement 7 - Protected species, within the draft DCO, which allows for the identification and appropriate protection of protected species.	Noted.
18.42	Surface Water Drainage Scheme We recommend that Hull City Council, in their role as lead local flood authority, are satisfied with the design of the surface water management scheme, although we retain an interest in the final destination of the water, given our overview role in flood risk management.	Noted. We are in consultation with Hull City Council.
18.43	Until a decision has been made on whether surface water will be discharged to the Humber estuary or the Yorkshire Water sewer network, we can provide limited comments. However, it would be our strong recommendation that both any dewatering during the construction phase and any permanent positive drainage from the finished scheme be discharged to the Yorkshire Water sewer network. Any alternative would require a permit from us, to	Noted. Yorkshire Water has confirmed (YW ref: R820992, letter undated) that they have no objection to the underpass drainage discharging to the public combined sewer.

	be in place before any discharge was to commence.	
18.44	We are therefore supportive of the inclusion of Requirement 8 - Surface and foul water drainage, within the draft DCO.	Noted.
18.45	We are happy to provide clarification of any of the points above if this is required, in which case contact should be made with Lizzie Griffiths, Yorkshire Area Sustainable Places Team Planning Specialist, Lateral, 8 City Walk, Leeds, LS11 9AT, email lizzie.griffiths@environment-agency.gov.uk; tel: 020 302 58439 We look forward to continuing to work with the applicant to resolve any outstanding matters and to ensure the best environmental outcome for this project. Yours faithfully Miss Lizzie Griffiths Sustainable Places - Planning Specialist "	Noted.

1.19 RR-019

PINS Ref. RR19	Relevant Representation from Historic England	Response from Highways England (the Applicant)
19.01	Historic England is the government's statutory adviser on all matters relating to the historic environment. In principle we support the aspiration behind the A63 realignment but have concerns about the proposed scheme as it fails to minimise harm to the	Highways England needs to relocate the Earl De Grey listed building to ensure that the commitment to keeping two lanes of traffic operating in each direction can be delivered safely. Highways England are working with the owners of the Earl De Grey listed building to ensure the harm to the building is minimised by incorporating the building into a new

		historic environment. Therefore we object to the DCO and set out our primary concerns below: 1) Listed Buildings: Earl de Grey public house: Realignment of the A63 requires the total demolition of this Grade II building and its rebuilding in a different location. This building is one of two surviving structures representing the historic streetscape of Castle Street and figures prominently in the history of Hull. This represents substantial harm to its significance and is contrary to the National Networks National Policy statement (NNNPs) and legislation. There is insufficient detail in the DCO documentation to understand and fully judge the proposal and its level of harm with regard to the method for its demolition, storage, rebuilding or relocation. Castle Street Chambers: Realignment of the A63 will require the partial demolition of this Grade II building. There is insufficient detail in the DCO documentation to understand the extent of demolition or the impact of the scheme on its significance. This renders the proposal contrary to the NNNPs and legislation. The DCO documentation does not explain how the retained section of the building will be protected during the works,	development on the adjacent site (planning ref:19/00333/FULL). This new development would see the building being brought back into use. The Scheme proposes no impact to the Castle Buildings. The Scheme proposes to permanently acquire approximately 40% of Trinity Burial Ground and it is estimated that 17,500 burials will have to be relocated within the remaining area. The Highways England methodology for clearance and archaeological works in Trinity Burial Ground allows for the osteological analysis of up to 1500 burials. Although this is not comparable with the recommended sample size given by Historic England the sample size has been governed by views held by the Parochial Church Council and Diocesan Advisory Committee for the Diocese of York who have agreed a Faculty to undertake the works. Highways England recognises that the Old Town is an area of conservation and are working with Hull City Council to ensure the impact of the scheme is minimised and the special character of the area is retained. With regards to archeology in Trinity Burial ground, Highways England recognises that the sample size is not comparable to the recommended sample size given by Historic England and examples given in guidance developed by the wider heritage sector, Historic England and the Church of England. The sample size has been governed by views held by the Diocese of York both at Parochial Church Council and Diocesan Advisory Committee levels. The Diocese of York have granted the planning permission for the works in Trinity

		made good or indicate how changes to its setting may impact on its significance. 2) Nationally important but undesignated archaeology (footnote 98 NNNPs): 2.1) Trinity Burial Ground: One third of the burial ground will be removed as part of the realignment, including the archaeological removal, study and re-interment of approximately 17,000 burials. The archaeological strategy for this site is not consistent with sector-wide published guidance on the excavation of Christian burial grounds. As such we consider that the proposal is harmful with inappropriate mitigation 2.2) Archaeology along the route of the A63 generally: Realignment of the A63 will require deep excavation along its corridor, stretching from the former medieval walls and ramparts of the city, to its medieval, post-medieval and industrial suburbs. The suggested archaeological strategy is not consistent with current, Historic England or Chartered Institute for Archaeology guidance on good practice. We consider that the proposal does not adequately address the harm through appropriate mitigation. 3) Hull Old Town Conservation Area:	Burial Ground through the Faculty process. Highways England are working closely with Historic England and are preparing a statement of common ground.

		The Hull Old Town Conservation Area is located at the eastern end of the A63. The scheme offers considerable opportunity to enhance the character and appearance of the Conservation Area, particularly at street junctions and reverse the current negative impact of the road. However, there is a lack of clarity to indicate what positive effects could be realised from the scheme, particularly with regard to the margins of the A63. There is insufficient detail in the DCO documentation to ensure how harm to the historic environment is minimised and appropriately addressed and secured. For the reasons outlined above, Historic England wishes to register as an interested party for the DCO examination.	

1.20 RR-020

PINS Ref. RR20	Relevant Representation from Hull City Council	Response from Highways England (the Applicant)

20.01		Hull City Council, as a host authority, is supportive of the proposals to improve the A63 at Castle Street in Hull. Hull has a population of over 260,000 and serves as the primary sub-regional economic and service centre for East Yorkshire and the Humber, with an estimated GVA of £5.594m. The Port of Hull is one of the UK's leading and fastest growing foreign-trading ports, dealing with around 11.8 million tonnes of cargo, including 100,000 teu of containers, and in excess of one million tonnes of forest products per annum, and the only passenger ferry port on the east coast between Harwich and Newcastle. The city has seen over £3bn of private and public sector investment over the past four years, and accommodates significant manufacturing bases, whilst serving as a cultural and leisure centre for the sub-region and beyond, with £63m investment in existing and new culture and leisure infrastructure in recent years. The Hull Local Plan adopted in November 2017 allocates 175 ha for additional employment development, alongside allocations for 11,700 new dwellings, including 2,500 homes and 25,000m2 net retail floor space within the city centre for the period 2016 to 2032. The A63 is the primary highway within the city, and the only part of the strategic road network, linking the City and Port of Hull with the M62 and country's main highway network to the west. The section currently experiences congestion, and relief will be	Highways England has been working closely with Hull City Council during development of the application on a number of issues relating to the Scheme but especially with regards to the location of the material batching site compound. The Highways England project team meet monthly with Hull City Council to develop our Statement of Common Ground, covering the issues in this representation and progress on the Scheme and this will continue as we develop the detailed design. Highways England is not seeking compulsory acquisition powers in respect of both the alternative sites (Site A, known as the Arco Site and Site B, known as the Staples site). Rather, Highways England is requesting the Examining Authority (ExA) and the Secretary of State to consider two reasonable alternatives and to grant compulsory acquisition powers in respect of one of these options only. Highways England agreed at the Preliminary Meeting on 26 March 2019 to update the ExA as to which site it expects to be able to take forward by 17 May 2019.

		critical to improving access to the Port, and accommodating planned and projected growth. The stretch also creates a severance between the regenerating historic waterfront and the remainder of the city centre. Elements of the scheme will be key to repairing this disconnect and improving the safety and experience of those traversing the road, with concomitant social, environmental, and economic benefits. Hull City Council has worked closely with Highways England over an extended period of time in support of the development proposals, and local support for the scheme is evidenced by the prior granting of stand-alone planning and listed building consent permissions for the Princes Quay Bridge, as well as a Local Enterprise Partnership funding contribution towards the same. As a significant landowner in the area, Hull City Council will continue to engage positively with Highways England in connection with temporary and permanent acquisition requirements towards scheme delivery. In addition to an LIR and SoCG, Hull City Council intends to submit written representations on the following matters, unless negated through discussion and negotiation in the interim: Material batching site compound options: • Hull City Council strongly supports Option A for the location of the material batching site	

	compound at the Arco site at Waverley St. • Hull City Council strongly objects to Option B for the location of the material batching site compound at the Staples site to the east of Ferensway. The site is allocated as part of a City Centre Development Site for mixed main town centre uses in the Hull Local Plan, with the land in question anticipated to deliver around 6000m2 net retail space. It constitutes a visually sensitive gateway site to the city centre from the A63 western approach. Draft DCO: • Content and wording of requirements • Arrangements for consultation with the local planning authority where required in connection with listed requirements, and elsewhere in the order, including detailed design • Limits of deviation • Extent and location of proposed speed limit restrictions • Extent and location of proposed weight limit restrictions • Extent and location of restricted parking zones • Impact on private rights of access • Future maintenance liabilities • Road Safety Audits as part of detailed design	

	• Content of CEMP including with regard to construction staff traffic and site deliveries • Proposed site for re-positioning of the Earl de Grey Grade II listed building • Work No.45 option B construction of site compound on allocated city centre development site • Content, extent, and phasing of Traffic Management Plan, including abnormal load routing and accommodation works • Design of fencing and other means of enclosure, including mainline central barriers Air Quality: • Submission considered to be in accordance with the Local Plan and Local Air Quality Strategy Noise and vibration: • Mechanism for agreeing normal working hours and acceptable noise limits at sensitive receptors Cultural Heritage: • WSI requirements • Direct impacts on listed buildings (including potential protective works under Part 4 (18), and Part 4 (29) of the submitted Draft DCO) • Impact upon setting of listed buildings • Impact upon character and appearance of conservation area	

	• Treatment of historic headstones, monuments, and tombs in Trinity Burial Ground Landscape and visual impact: • Design of Princes Quay Bridge and impact upon adjacent NMU routes and approaches • Design of Porter Street Bridge and impact upon adjacent NMU routes and approaches • Design of High Street/ Blackfriargate alternative route and impact upon adjacent NMU routes and approaches • Location and character of general landscaping proposals Ecology and nature conservation: • Mitigation measures Flood Risk and Drainage: • Options for underpass drainage • Emergency management and evacuation during flood and other events • Identified climate change allowance for flood risk • Impact of flood risk on land and property elsewhere Economic Impacts: • Increased capacity for growth • Access to development sites • Direct and indirect employment generation	

	• Tourism impacts Designated Public Open Space: • Extent, function, layout, landscaping of mitigation for loss at Trinity Burial Ground and William Oak Park. • Extent, function, layout, landscaping of replacement POS at Myton Centre Transport: • Temporary diversions affecting NMUs • Permanent NMU routes • Design of Porter Street Bridge and NMU approaches thereto • Design Princes Quay Bridge and NMU approaches thereto • Design of High Street / Blackfriargate route and NMU approaches thereto • Pedestrian crossing facility standard • Functionality of Ferensway signalised junction • Transport information and signage technologies at construction and operational phases • Street lighting design and location	